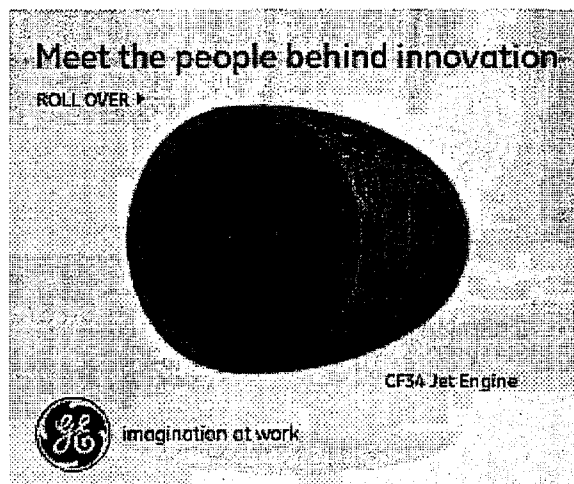




Haiti's hurricanes caused \$1 billion in damage

Monday, April 06, 2009

By EDITH M. LEDERER, Associated Press Writer



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UNITED NATIONS —

Haiti's impoverished economy has been battered by \$1 billion in damage from last year's hurricanes and a drop in money transfers from Haitians working abroad caused by the global financial crisis, the top U.N. envoy to the Caribbean nation said Monday.

Ahead of next week's donors conference in Washington, Hedi Annabi told the U.N. Security Council that continued humanitarian aids is critical to ensure many Haitians get enough food and are able to send their children to school.

He said international assistance also is needed to generate immediate jobs as well as longer-term development to help Haiti escape its plight as the Western Hemisphere's poorest country.

"It can only do so with the continued, strong support of external partners," Annabi said.

He expressed hope the April 14 donors conference will provide funds for immediate road rebuilding and steps to lessen the impact of future hurricanes and for longer-term investments to improve ports and electricity and revive the private sector, especially the garment industry.

Haiti's government also needs \$125 million so it can meet its \$256 million budget for the current fiscal year, Annabi said.

The shortfall is a result of the government spending emergency funds last year during four hurricanes that killed nearly 800 people.

"The scope of the damage wrought by last summer's hurricanes is estimated at about \$1 billion, or equivalent to about 15 percent of Haiti's GDP," Annabi said.

"This has now been compounded by the global financial crisis, which in February brought a 14 percent reduction in the

remittances that constitute a lifeline for many Haitian families, and represent nearly three times the figure for international assistance."

An 8,000-soldier U.N. peacekeeping force has significantly improved security over the past four years, but Haiti "continues to face a number of threats, including a significant risk of civil unrest," Annabi said.

This reflects "Haiti's difficult living conditions, and the continued presence on the ground of a number of potentially violent elements, including former gang members and discontented army veterans," he said.

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3/30/09 Wash. Post (Bus. Sec.) (Pg. Unavail. Online)
2009 WLNR 5949436

Washington Post
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March 30, 2009

Hope for Haitians ? Immigrants From the Storm-Ravaged Island Should Be Allowed to Stay in the United States

The following editorial appeared in Monday's Washington Post:

Haiti was already an island of unimaginable suffering, a country ravaged by war and roving gangs where four out of five residents lived in extreme poverty. Then, in less than a month last year, four vicious storms lashed it, killing up to 800 people, leaving as many as 1 million homeless and inflicting at least \$1 billion in damage -- 15 percent of the country's gross domestic product. The State Department cautions visitors that there are no "safe areas" in Haiti, and that "kidnaping, death threats, murders, drug-related shootouts, armed robberies, break-ins and carjackings are common." Yet, it is U.S. policy to deport the estimated 30,000 Haitians in this country back to this hotbed of violence and squalor. The United States grants temporary protected status (TPS) to immigrants from countries with extreme economic or political conditions; Haitian immigrants more than qualify.

Haitians in the United States are one of the few sources of stability for their home country, sending back remittances that total an estimated one-fourth of the Haiti's GDP. Deporting Haitians, and thereby diminishing millions of dollars in what is essentially foreign aid, would devastate a country that can ill afford to take more economic hits. A surge of deportees, who would arrive without either homes or jobs, would also place an impossible burden on Haiti's skeletal social services.

Critics say that granting TPS would bring a rush of Haitians to the United States in search of citizenship. But TPS would apply only to Haitians in the United States at the time the order is issued. As the Miami-Dade Board of County Commissioners in Florida wrote recently in a letter to President Obama, there was no "mass exodus" of Haitians to the United States after the Clinton administration granted a stay of deportation in 1998.

The Bush administration was consistently inflexible on the issue, turning down Haitian applications for TPS with minimal explanation. After last year's storms, the Bush administration temporarily suspended the deportations, only to resume them months later, while the country was still reeling from the disasters. The

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Obama administration has so far maintained the Bush administration's policy, but advocates have met with Homeland Security Secretary Janet Napolitano and were encouraged by her response.

Mr. Obama recently issued an order that allowed Liberian immigrants to stay temporarily in the United States. Immigrants from Somalia, El Salvador, Nicaragua and Honduras have also been granted TPS in recent years. Why are immigrants from a disaster-wracked country that is the poorest in the hemisphere less deserving?

bc-post-editorial-haiti

----- INDEX REFERENCES -----

COMPANY: HOMELAND SECURITY CAPITAL CORP; TPS; STATE DEPARTMENT

NEWS SUBJECT: (Social Issues (1SO05); Immigration & Naturalization (1IM88))

REGION: (Haiti (1HA10); North America (1NO39); Caribbean (1CA06); Florida (1FL79); Latin America (1LA15); Americas (1AM92); USA (1US73))

Language: EN

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UN expert urges US not to deport thousands back to hurricane-ravaged Haiti

6 March 2009 –An independent United Nations human rights expert today asked the United States Government to reconsider deporting tens of thousands of Haitian immigrants in light of the physical and financial damage inflicted on the impoverished Caribbean nation by a series of hurricanes last August.

In a news release issued in Geneva, Michel Forst voiced deep concern at reports that the US Department of Homeland Security, and its Immigration and Customs Enforcement agency, is planning to deport the immigrants.

According to a recent evaluation cited by the Secretary-General's Special Representative in Haiti, Hédi Annabi, the four back-to-back storms that struck the country from mid-August to mid-September "comprehensively destroyed what little infrastructure there was."

A total of some 800,000 Haitians either lost their homes entirely or were badly affected by the storms which also left 800 people dead.

In addition, the global financial crisis has worsened a food emergency brought about by the widespread destruction of the country's crops during the hurricanes, and critical infrastructure, including bridges and roads, have been wiped out. The storms are believed to have destroyed around 15 per cent of the country's gross domestic product (GDP).

"Considering the extent of the damage to homes, schools, roads, bridges and businesses in Haiti, it is highly unlikely that sufficient repairs can be carried out in time for this year's hurricane season, and as a result many thousands of Haitians will be left without protection," Mr. Forst said.

Mr. Forst has written to the Secretary of Homeland Security, urging the Government to reconsider its decision. "While acknowledging that the hurricanes and storms that drowned low-lying parts of Haiti in mud and misery had been 'severe,' you have concluded on the basis of recommendations provided by the US administration that 'Haiti does not currently warrant a Temporary Protected Status (TPS),' " he noted.

When other countries in the region have been struck by natural disasters, such as earthquakes and hurricanes, with similar devastating impact to the destruction inflicted on Haiti, those countries have been granted TPS, Mr. Forst added.

"It would therefore be normal to continue to provide support and assistance to all undocumented Haitian migrants living in the US, until the situation has improved in their homeland," he said.

According to many experts, TPS is the least expensive and most immediate form of humanitarian assistance the US could provide to Haiti, since it would allow the Haitian Government to invest all its limited resources in reconstruction, and the redevelopment of its struggling economy.

Today's development comes ahead of a visit to the country on Monday by Secretary-General Ban Ki-moon and former US President Bill Clinton, aimed at raising awareness of efforts to help Haiti's Government and people bolster their economic security.

Following that, a delegation from the UN Security Council will begin a visit to the country on 11 March. Ambassador Jorge Urbina of Costa Rica, who is leading the mission, briefed reporters today in New York on the main purpose and programme of the visit.

"The members of the Council intend to convey a strong message of continued support to the Government and people of Haiti in rebuilding their country after the natural disasters that took place last year, consolidating peace and stability and promoting recovery and sustainable development," he stated.

The Council is expected to meet with President René Préval, Prime Minister Michèle Pierre Louis and several government ministers, as well as representatives of the National Assembly and the Senate, party leaders and parliamentarians.

The delegation will also meet also with the electoral authorities to review the preparations for the upcoming polls, and

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members of the UN Country Team and the UN Stabilization Mission in Haiti, known as MINUSTAH.

"By carrying out such an extension programme, the Council wants to underline the importance of the mutual commitments made by the international community and Haiti," Mr. Urbina said.

OrlandoSentinel.com

We think: Mass deportations of Haitians isn't the answer

Fri 06 Mar 2009

Full Article View

President Obama has a lot on his plate these days. The economy alone is a whopper of a problem that will occupy his agenda for the foreseeable future.

But that's no reason for the president to condone the counterproductive deportation of Haitians. Immigrant advocates have long called for the U.S. government to grant temporary protected status to Haitians, which would allow a limited number of refugees to live and work legally in the United States until their storm-battered country stabilizes.

What they ask for is nothing more than what refugees from a handful of Central American countries have been granted in the aftermath of natural disasters. But such demands fell on deaf ears during George W. Bush's presidency, despite evidence of inhumane conditions in Haiti, which is still trying to recover from four hurricanes and food shortages.

Now what is even more disturbing are the ongoing deportations, which the Bush administration halted in September at the request of the Haitian government, resumed in mid-December and continue under Obama's presidency. Haitian families are being torn asunder as parents are sent back to Haiti, leaving their U.S.-born children behind. This poses all sorts of problems for regions of Florida where social-service agencies, already strained by the faltering economy, must care for the children whose parents have been deported.

The Haitian government, meanwhile, has announced that it will continue to stall most deportations until the Obama administration decides whether to grant protected status, which means most of the deportees are being detained at the expense of the U.S. government.

Wouldn't it be better to release the parents and let them work to support their families, both here and in Haiti, like most Haitians do when given a chance? The deportations must stop now, and the Obama administration must grant protected status to Haitians.

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Haitians facing deportation look to Obama for help

The United States is set to deport more than 30,000 Haitians to their impoverished homeland, Immigration and Customs Enforcement officials announced this week. A protest in response to the decision has been planned for Saturday, Feb. 21 in Broward County, Florida. Haitian activists and immigrants are calling for a halt to the arrests and a suspension of the deportations.

Deportation orders have been processed for 30,299 Haitians and they are starting to be implemented. Hundreds of Haitians have been put in camps awaiting the return home, while others have been put under a form of house arrest and are being monitored with electronic ankle bracelets, the AFP reported.



As the poorest nation in the western hemisphere, Haiti's troubles significantly increased with the passage of four deadly back-to-back storms last fall – Fay, Gustav, Hanna and Ike – that killed more than 800 persons and worsened the nation's food crisis. The storms devastated the small, impoverished island nation, washing away roads, bridges and crops. Thousands lost their homes. By some estimates, 80 percent of the country's population had been displaced by wide-ranging flood damage. A joint World Bank, United Nations and European Commission assessment released last November determined that total losses from the storms – "the largest disaster for Haiti in more than 100 years" – could equal 15 percent of Haiti's gross national product.

Haitian President René Préval has urged the United States to grant Haitians nationals in the United States temporary protection status as victims of natural disasters, insisting Haiti is still struggling to recover from last year's devastating hurricanes and cannot handle the return of its citizens. Haitian officials even said they will not issue the travel documents needed to process the deportees. But ICE argues that Haiti's resistance will force people to languish longer in crowded detention centers. □

The U.S. government did halt deportations to Haiti for three months last year, starting in September. After resuming flights in December, the administration of then President George W. Bush denied Haiti's request for "temporary protected status." Temporary protected status, or TPS, is a special state granted to immigrants of certain nationalities who are unable to return to their countries because of armed conflict, environmental disasters, or other extraordinary and temporary conditions, according to U.S. Citizenship and Immigration Services. The designation would have allowed Haitians living in the United States illegally to stay and work temporarily as their home country recovered from the devastating storm season.

Several Florida lawmakers criticized the Department of Homeland Security's decision to resume deportations last December. Haitian grassroots activists and immigration advocates have since renewed the call for TPS for Haitian nationals in the United States. Haitian advocates are upset that the new Obama White House seems to be maintaining the same policy of the past administrations – one that advocates say represents a double-standard in dealing with Haitian immigrants.

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ISS - Haitians facing deportation look to Obama for help

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Protected status has been granted and extended by the DHS to people from a handful of African and Central American countries because of natural disasters. For instance, Hondurans are still getting TPS from a natural disaster that occurred in 1999. In addition to Honduras, El Salvador, Nicaragua and Sudan have temporary protected status through 2010. Yet, Haiti has never been granted such a status. Over the years, the United States has become notorious for turning away Haitian "boat people" coming into South Florida seeking refuge and asylum from political upheaval and disaster.

The impact of U.S. and multinational policies continue to haunt the country. Over the years, due to harsh policies and pressure from the United States, World Bank and the International Monetary Fund, Haiti was forced to undergo strict structural adjustment policies that had a devastating impact on its local economy. Critics argue that international lending organizations helped worsen hunger in Haiti by pursuing free market policies that undermined domestic rice production and turned the country into a market for U.S. rice. This food crisis was further compounded by crippling sanctions, political destabilization, and environmental destruction.

Now Haitian advocates are wondering if the Obama era will bring in fair immigration reform or just more of the same.



By Desiree Evans on February 20, 2009 3:44 PM

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Community Action

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haiti, ice, immigration, immigration and customs enforcement

17 Comments | Leave a comment

The law is the law, although Haiti can not afford or absorb this giant immigration. But to be fair INS should inform how many of other nationalities are ready to be deported. And if the ratio Country / illegal immigration estimated / deported, is uniformed.



Anonymous

February 21, 2009 11:17 AM | Reply

i dont think the Obama administration will do anything for the Haitians neither. keep that in mind this issues is not a black or white issue its really an American and a Haitian issue remember no one likes the haitians and the haitian fail to recognize this issue. by been diplomatic to the americans will get the hatians no where its an eye for an eye world.today theres no time to play game anymore may they should take them to war with what they do best ...



Rich

February 21, 2009 4:47 PM | Reply

Last week, US president Barack Obama met and discussed with Governor General of Canada Michaëlle Jean the plight of her native Haiti. The president invited her to come to Washington, and exchanged "views about how they could be helpful to the government there in dealing with economic and social issues."

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A Double Standard? - Thousands Of Haitians Face Deportation

By Felicia Persaud/CWNN, Feb. 17, 2009

CaribWorldNews, NEW YORK, NY, Tues. Feb. 17, 2009: During the run-up to the November 4th election of President Barack Obama, his then national political director for the general election campaign, Haitian American Patrick Gaspard, aggressively targeted the Haitian voting bloc in South Florida. Now, weeks into the new administration, some 30,000 Haitians face deportation.

U.S. Immigration and Customs enforcement agency authorities say they've ordered thousands of Haitians to leave the country despite the fact that Haiti is a battered economy and still struggling to recover from back-to-back storms there last summer. The deportation order came as former Bush Secretary of Homeland Security, Michael Chertoff, wrote to President René Préval denying TPS (Temporary Protected Status) status to Haitians late last year.

And they reinstated deportations after a temporary humanitarian delay.

Haiti Ambassador to Washington, Raymond A. Joseph, told CWNN on Monday that the Preval administration feels strongly that the halt in deportation of Haitian citizens announced by the U. S. administration after the four hurricanes devastated Haiti late last summer should have been kept in place until a full review of the situation in Haiti, still reeling from the natural disasters and the high cost of living that led to food riots in April of last year.

Joseph also questions why Haitians are not eligible for TPS when at least three countries in Central America that suffered natural calamities years ago are still benefitting from TPS that is granted on a renewed schedule every 18 months.

'Why aren't Haitians eligible for the same status?', asked the ambassador.

Joseph also revealed that he is awaiting a response from the current DHS administration.

And he revealed that he has personally written to ask for an audience with the new Secretary of Homeland Security, Janet Napolitano, to ascertain whether the Obama administration will maintain the same policy of the past administration toward Haitians. For now, the Haitian government is holding off on issuing travel documents needed for USICE to return Haitian deportees. This means some will remain in crowded detention centers while others will be placed under house arrest until they can be deported.

- By Felicia Persaud/CWNN

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1/28/09 Miami Herald B1
2009 WLNR 1585591

Miami Herald (FL)
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January 28, 2009

Section: B

Deportations slide under Obama's radar

MYRIAM MARQUEZ, mmarquez@MiamiHerald.com

Barack Obama becomes president, and Haitians with deportation orders are put on notice: You're outta here!

Louiness Petit-Frere, a 31-year-old baker with no family left in Haiti and whose mother and siblings have legal U.S. status -- including a U.S. Marine brother who served two tours in Iraq -- was put on a flight on Friday.

Vialine Jean Paul, 34, married to a U.S. citizen and with a 7-year-old American-born daughter being treated for a chronic viral infection, was notified that she needs to buy her plane ticket back to Haiti this week, having lost her appeal for asylum in 2001.

Her choice: Leave behind her little girl or take the sick child to a storm-ravaged country where polluted flood waters have left thousands at risk of malaria, hepatitis and cholera and 300,000 children facing malnutrition.

Immigration spokeswoman Nicole Navas points out that the agency is simply enforcing the law: "Individuals of all nationalities, who have had due process and who have been ordered deported, shouldn't be surprised if they receive notices advising of their need to comply with their orders of removal."

PLAYING POLITICS

Advocates for Haitian immigrants say there has been an uptick since Obama's inauguration to deport Haitians without a criminal record, many of them married to U.S. citizens or who have American-born children. The numbers provided by immigration officials Monday (41 Haitians deported since December) do not show an uptick. Just business as usual.

It's no secret that the Bush administration played politics with the Haitian diaspora wracked by four deadly storms last summer.

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Former Homeland Security Secretary Michael Chertoff rejected a request by Haitian President René Préval to allow undocumented Haitians to stay here until their homeland recovers. He rejected granting temporary protected status, or TPS, so that Haitians can live and work legally here -- just as tens of thousands of Central Americans legally do thanks to TPS.

Are bureaucrats moving swiftly before Haiti comes up on the policy radar of the new president and his Homeland Security chief, Janet Napolitano? "They lifted the halt of deportations in late December," noted Randolph McGrorty of Catholic Legal Services. "We heard about a handful of people who had been deported. Now there's this flurry of activity. . . . There are too many signs to deny it."

Marleine Bastien, who runs Haitian Women of Miami, says her office has been swamped with calls. "It's not only the number but the type of people who they are deporting, people who qualify for relief -- either for adjustment of status or because they are married to U.S. citizens," she said.

PROTECTED STATUS

After the devastating storms, Obama noted that "the Haitian-American community is doing its part by supporting family and friends in Haiti in their time of need." That's precisely why TPS makes sense -- for humanitarian reasons and U.S. national security. TPS would not open the floodgates. When the Clinton administration halted deportations to Haiti in the 1990s because of civil strife, there was no mass migration.

What TPS will do is help Haitians rebuild their country with remittances from relatives here who are at risk of being deported, as Cheryl Little of the Florida Immigrant Advocacy Center noted in a letter to Napolitano this week.

South Florida's congressional delegation should push the White House to act quickly. Bush left Obama a ticking time bomb by reinstating deportations -- one that could explode any day now on our shores.

----- INDEX REFERENCES -----

COMPANY: WHITE HOUSE; HOMELAND SECURITY CAPITAL CORP; WIHLBORGS FASTIGHETER AB
PPTY; TPS

NEWS SUBJECT: (Social Issues (1SO05); Immigration & Naturalization (1IM88))

INDUSTRY: (Homeland Security (1HO11); Aerospace & Defense (1AE96); Defense (1DE43); Security (1SE29))

REGION: (Haiti (1HA10); Caribbean (1CA06); North America (1NO39); USA (1US73); Americas (1AM92); Florida (1FL79); Latin America (1LA15))

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OTHER INDEXING: (Jean Paul; Nicole Navas; Michael Chertoff; Janet Napolitano; Cheryl Little) (BUSH; CATHOLIC LEGAL SERVICES; HOMELAND SECURITY; TPS; WHITE HOUSE) (Clinton; Janet Napolitano; Louiness Petit; Marleine Bastien; Michael Chertoff; Napolitano; Nicole Navas; Obama; Randolph McGrorty; René Préval; Vialine Jean Paul) (Haiti; Iraq; Haiti; Haiti; Miami; Haiti; Haiti; us; usa; na; us.fl; us.fl.miami; ht; hti; iq; irq; ca; cam; md; mde)

KEYWORDS: (NT/NEC)

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January 15, 2009

Section: A

Haiti at a crossroads as donations dry up and upheaval looms

Hundreds were killed and tens of thousands left homeless in 2008 when hurricane rains washed their homes away. Joblessness deepened. Malnutrition magnified. Farms failed.

Haiti's misery is expected to deepen this year as its crippled economy and the global financial crisis collide with donor fatigue and increasing frustrations about the lack of social and economic progress.

"There is Haiti fatigue, or rather Haiti impatience, that after three to four years very little has been accomplished, and all of those natural catastrophes have compounded the problem," said Robert Fatton, a University of Virginia politics professor and Haiti expert. "2009 is going to be a very difficult year in Haiti."

The gloomy prognosis is widespread here and comes amid a global financial meltdown that has largely detracted world attention from the storms' devastation, the worst humanitarian disaster to hit Haiti in 100 years.

The grim outlook also comes as the focus shifts to constitutional reform and pending legislative elections. If not handled delicately, both could create a political storm with far-reaching ramifications, analysts and diplomats say.

Since the creation of Haiti's 1987 Constitution, the country has gone through several major political crises, most of them prompted by contested elections.

In an address to parliament this week, President René Préval said while Haiti has a respite from the agony of unrest, it remains at a fragile crossroads. He stressed the need for political and national dialogue.

"It's easier for each sector to stand alone and to criticize, and say what should have been done or what could be done. Why not sit down together to do what needs to be done," said Préval, who also emphasized the need for judicial reform, and

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modernizing the country in areas of technology and competitiveness. "Dialogue is necessary, but it has to be constructed. It has to be organized."

Haiti also needs investments and development. In recent months, Préval has accused donors of not doing enough to help Haiti crawl its way out of misery, and has called for fewer tanks from the United Nations peacekeeping force and more tractors.

Over the next week, donor nations will assess the needs in Haiti with visits from Governor General Michaëlle Jean of Canada on Thursday and Queen Sofia of Spain next week.

Foreign diplomats, meanwhile, say Préval and Haiti's lackluster parliament lack focus and a sense of urgency.

"The international community may be tired of Haiti, but if there is no money, you will have more people coming to" South Florida, said Alix Loriston, former U.N. World Food Program coordinator in Gonaïves.

The epicenter of the disaster, Gonaïves, still lacks a clear road map for its future. There is talk of reconstruction, but the absence of a government plan about what to do -- and money to either rebuild or relocate the historical city -- has left Gonaïves' 300,000 residents with few options. Many remain in shelters and on rooftops, while others have had no other choice but to return to their mud-encased homes.

BACK-TO-BACK CRISES

The storms struck just as Haiti was starting to show signs of progress after years of instability. Inflation was in the single digits, and 7,500 new jobs were injected into its stagnant job market after the U.S. Congress approved a textile trade bill.

Then came the fuel and food crisis, followed by a nearly five-month political impasse, the international economic meltdown and finally the storms. In a span of three weeks, Tropical Storm Fay, Hurricane Gustav, Tropical Storm Hanna and Hurricane Ike pounded the country, killing nearly 800, washing away livestock and millions of dollars' worth of rice, corn and plantain crops.

The economy contracted by 15 percent, and overnight, Haiti's misery and suffering went from chronic to acute.

"Haiti is at a tipping point that can go either way," World Bank President Robert Zoellick said during a three-day visit after the storms. "We have to deal with the immediate needs to deal with the social instabilities. But there is also a chance to build. So we need to work with donors to take advantage of the good parts and make sure we ameliorate the terrible difficulties people have suffered."

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But donors have been lukewarm. Less donor support, means Haiti is running a \$100 million budget deficit, officials say. And after months of emergency food distributions, WFP is preparing to end the servings because a U.N. emergency aid appeal to help stave off starvation and get cash in Haitians' pockets has not raised the \$108 million envisioned.

Haiti has been "the site of too many feel-good projects draped in national flags," Zoellick said in a speech about the dangers of aid fatigue and the need for new approaches on development assistance. "Too many sterile debates about which comes first -- security or development."

Haiti supporters, however, blast the World Bank and other lenders for not moving more swiftly to cancel Haiti's \$1.7 billion external debt.

SPREADING THE BLAME

Some blame the problem on too many Haiti funding appeals. Others say the problem isn't money but a government that lacks leadership and clear priorities.

"President Préval has a really tough challenge on his hands . . . trying to rebuild a democratic state that had largely collapsed under Aristide and do it within the context set by [MINUSTAH, the U.N. Stabilization Mission] in a country which historically is proudly nationalistic and shirks at this kind of intervention," Thomas Shannon, U.S. assistant secretary of state for the Western Hemisphere, told The Miami Herald.

Shannon doesn't believe there is Haiti fatigue and dismisses criticism by some foreign diplomats here that the U.S. government, Haiti's largest single donor, is not doing enough to help the recovery.

"There is a lot going on, and it's not that Haiti has slipped off anybody's screen. People are overwhelmed right now by the financial crisis," Shannon said. "With that said, it's too convenient to say things aren't moving as fast as they should be because we aren't as involved as we should be."

Shannon said the U.S. government recognizes "how important Haiti is, we understand the devastating impact of the hurricanes and how it has affected Haiti."

But some question the U.S. commitment. After halting deportations to Haiti for more than three months, the Bush administration resumed them last month. A week later, it denied Préval's request to allow undocumented Haitians living here to remain temporarily until their storm-ravaged homeland recovers.

Meanwhile, concerns about the increased misery have donors pushing for another conference to raise much-needed funds for Haiti. But there is disagreement on the framework, or the time frame.

"There is no sufficiently clear signal from the government. We are ready to go and

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try and mobilize more people who can mobilize more resources," said Joel Boutroue, the U.N. humanitarian coordinator in Haiti. "They want to achieve concrete actions. We can't treat the donors conference like an auction either, lists of projects that you want to buy or not."

'BETTER MONEY'

Haitian Minister of Planning and External Cooperation Jean-Max Bellerive says officials are tired of donors pledging money without coordinating with the government. By getting them to commit to projects, Haitian officials can better hold donors accountable.

"Surely we need money, but we need better money," he said.

Sometimes, the government is unaware of a program's existence. Of the 3,000 non-government organization's (NGOs) operating in Haiti, only 400 are registered with his office, he said.

"We don't have any problems with the NGOs, but I've always said we need to know what they are doing and with what money and where," says Bellerive, currently working on a law requiring more accountability by NGOs and donors.

Donors say Haiti, by its own track record, doesn't have the capacity or people power to effectively administer programs. Without NGOs, they say, Haiti would be unable to adequately respond to the crisis.

Haiti supporters respond that after Hurricane Ike, the government dipped into its meager coffers and poured \$200 million into the recovery effort to clear roads and replant crops.

"The government is trying to do its best, but the question of coordination between the government and donors is key," said a diplomat who asked for anonymity because he was not authorized to speak on the matter. "When you consider the ups and down that this country faces, at some point, the sympathy for Haiti may be vanishing."

Fatton agrees that the Haitian government needs to have a clearer plan and to improve communications with its partners. But he says the international community shares blame for Haiti's crumbling state, and calls its policies toward Haiti "reckless."

"What both actors have done is to confront one crisis after another without having a clear idea of how to resolve any of the crises," he said. "There is a problem of leadership but there is also the problem of not having enough resources."

----- INDEX REFERENCES -----

COMPANY: UNIVERSITY OF VIRGINIA; UNITED NATIONS; WORLD BANK (THE); WORLD BANK

Page 5

LETTERS



Congress of the United States

House of Representatives

Washington, DC 20515

May 19, 2009

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President:

The Department of Homeland Security's plan to deport 30,000 Haitian immigrants is a Bush Administration policy that is ill-advised and untimely. We ask you to reconsider this policy before sending these refugees back to a country that has no economic means to support them.

Haiti is the poorest nation in the Western Hemisphere and it has furthermore been ravaged by natural disasters during the last year. The impact of hurricanes and floods has been devastating to the Haitian economy and has resulted in an unprecedented level of suffering requiring emergency assistance for the people of Haiti. To send an additional 30,000 people back to a country that already has close to a million displaced individuals is un-American and inhumane and we could never support such a policy.

These Haitian nationals have no viable country to return to - many acknowledge that Haiti is still in a state of chaos. The UN estimates that the lives of approximately 800,000 have been affected or displaced by the hurricanes. Based on the current global economic climate, we can expect that a loss of remittances will easily push that number close to a million. The little infrastructure the country once had is now in need of repairs and rebuilding of major bridges. The loss of crops was also a major consequence of the storms with a resulting rise of energy and food prices which brought great hardship and food riots to the people. This is clearly a humanitarian effort and it is our formal request that these Haitian immigrants are granted Temporary Protective Status (TPS).

TPS is a concession that has routinely been given to immigrants from different countries which were hit by natural disasters. Central American countries such as El Salvador, Nicaragua, and Honduras have been given TPS status for years, even as recent as 2008. This is inconsistent with the treatment given to Haitian immigrants despite the fact that economic and social conditions are worse, in addition to the reality that the country has not overcome the recent floods and hurricanes.

We ask that you investigate these allegations to determine why the Haitian immigrants are treated differently from other immigrants given the same circumstances. We are certain once the time and effort is taken to investigate the challenges that Haiti continues to face, the right decisions will be made and immediate action will be taken on this matter.

Sincerely,

Charles B. Rangel

Barbara Lee

Dennis J. Kucinich

Bill Pascrell Jr

Wally White

John Dingels

Wm. R. Roth

W. J. ...

Wm. H. ...

Erin L. Engel

Kendall ...

Ronna M. Christensen

Michael E. Caputo

Sam ...

E. ...

Danny K. Dain

Carine Brown

Alice L. Hastings

Melanie Waters

Jan ...

Debbie Wasson Schell

Stephen J. Spink

Donna F. Edwards

Yvette D. Clarke

Dr. V. Callaway

Congressional Hispanic Caucus

United States Congress

Washington, DC 20515

CHAIRWOMAN

NYDIA M. VELAZQUEZ

12TH DISTRICT, NEW YORK

April 27, 2009

The Honorable Janet Napolitano
U.S. Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano:

On behalf of the Congressional Hispanic Caucus (CHC), we write to express our serious concerns regarding the current situation in Haiti and urge you to grant Haitian immigrants in the United States Temporary Protective Status (TPS).


We strongly believe that Haiti, for some time now, has met and continues to meet the requirements for TPS. Last summer, Haiti was struck by four consecutive hurricanes and tropical storms. Thousands lost their homes, nearly 800 people lost their lives and 300 remain missing. Approximately 40,000 people are in shelters, many are starving and isolated from humanitarian assistance and severe malnutrition has struck throughout rural areas of Haiti.

Haiti's crisis is dire, and the nation's struggle for economic stability and sustainable development continues. Haiti is a close neighbor of the United States and we must ensure ongoing progress in its recovery. Instability in Haiti threatens the security and well being of the whole region. TPS is the least expensive, most immediate form of humanitarian assistance we can provide Haiti, as it allows the Haitian government to invest all of its limited resources in the rebuilding and redevelopment of its fragile economy.

We strongly believe that we have a moral obligation to help the people of Haiti strengthen their fragile democracy and rebuild their storm-ravaged country by granting Haitian nationals already in the United States TPS.

We thank you for your consideration and look forward to your response.

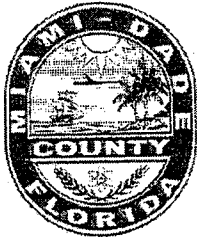
Sincerely,



Nydia Velázquez
Chair
Congressional Hispanic Caucus



Luis V. Gutierrez
Chair
CHC Immigration Task Force



OFFICE OF THE MAYOR MIAMI-DADE COUNTY, FLORIDA

CARLOS ALVAREZ
MAYOR

March 31, 2009

The Honorable Barack Obama
President, United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

On behalf of the 2.4 million residents of Miami-Dade County, I strongly encourage your administration to grant Temporary Protected Status (TPS) to Haitian refugees who are currently in the United States.

Among Miami-Dade County's population, more than 200,000 were either born in Haiti or are first generation Haitian-Americans. Many of our Haitian born residents fled to this country to escape the deprivation caused by years of political upheaval, civil unrest, and natural and man-made disasters. Despite the recent efforts of the Haitian government and its people to stabilize the economy and create new infrastructure, the recent worldwide food shortage and the devastation of four deadly storms that struck in rapid succession this past year have worsened the humanitarian crisis. The people of Miami-Dade County are well aware of these crises and have responded by donating food, clothing, funds, and by volunteering their services.

The TPS program was established to provide protection to people who are temporarily unable to return to their homelands because of natural disaster or humanitarian crisis. Before the storms hit, Haiti was already the poorest country in the Western Hemisphere. The storms caused hundreds of deaths, thousands of injuries and the destruction of homes, crops and businesses. We understand that hundreds of thousands of people remain homeless in Haiti and are in need of the most basic services. There is clearly a need to continue to provide a safe haven for Haitian nationals who are currently in the United States.

Several months ago, the U.S. Government extended TPS for Central Americans from El Salvador, Nicaragua and Honduras. I urge you to grant this same protection to refugees from Haiti. Granting TPS to Haitian nationals presently in our country will help ensure their safety until the current crisis is resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlos Alvarez".

Carlos Alvarez
Mayor

City of Miami, Florida

MANUEL A. DIAZ
MAYOR



3500 PAN AMERICAN DRIVE
MIAMI, FLORIDA 33133
(305) 250-5300
FAX (305) 854-4001

March 30, 2009

The Honorable Janet Napolitano
Secretary of Homeland Security
Department of Homeland Security
Washington, DC 20528

Dear Secretary Napolitano,

In the wake of the devastating hurricanes that severely impacted Haiti last Fall, deportations of Haitian nationals were temporarily suspended by the administration. Deportations resumed in December following a conclusion by the administration that conditions in Haiti had improved sufficiently.

Tenuous conditions in Haiti have been exacerbated by the magnitude and scale of these natural disasters and tens of thousands remain homeless and displaced while infrastructure remains damaged, malnutrition rates rise due in part to crop damage and joblessness climbs. Public services remain inadequate following these hurricanes and many areas of the country remain isolated and uninhabitable. These are not conditions which are conducive to successful repatriation and it is inconsistent with our values as a country to return migrants to these conditions. Despite these conditions, it is my understanding that deportations of Haitian nationals continue.

The City of Miami and the Miami community has given very generously of itself in efforts to alleviate the suffering of our neighbors in Haiti. This is also true of the American people and the international community. Given the serious conditions being experienced on the ground in Haiti the prospects for returning migrants is grim at this time. To stabilize the situation in Haiti in the wake of this tragedy I urge your prompt suspension of these deportations and further urge that you conduct a comprehensive policy review of this situation.

I have been a resolute and long standing supporter of temporary protected status for Haitians and urge that this protection be expeditiously extended to those affected.

Sincerely,

A handwritten signature in black ink, appearing to read "Manuel A. Diaz", with a long, sweeping horizontal line extending to the right.

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 27, 2009

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500


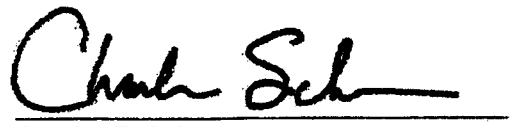
Dear Mr. President:

We write in concern for the large Haitian population, many of whom live in New York State, who may be in danger of being prematurely returned to their homeland despite its devastation from four recent hurricanes and tropical storms. Because the country -- the poorest in the Western Hemisphere -- is still reeling from the impacts of these storms, we urge you to extend Temporary Protected Status (TPS) for Haitian nationals currently residing in the United States. The request has also been made by President Preval of Haiti and numerous members of the congress. We disagree with the previous Administration's eleventh-hour decision to resume the deportation of Haitians within weeks of storms that affected more than 3 million people and have caused widespread malnutrition and homelessness.

The TPS program is aimed not only at giving relief to individual foreign nationals living in the United States, but also -- and importantly -- to countries whose population and governments have been all but leveled by natural disasters. In the past, and in response to requests by government leaders like the one made by President Preval, the United States has extended TPS to (among many other countries) Honduras and Nicaragua. TPS was first granted for nationals of these countries in 1998 in response to Hurricane Mitch, and last year, an eighth extension of TPS was granted to nationals of each country. In the past, some critics of the program have argued that a TPS designation compels immigrants from designated countries to take to the seas to reach U.S. shores. But in neither of these cases was the designation of TPS followed by an influx of undocumented immigration from these countries. In fact, TPS would be available only to Haitian immigrants who are in the United States, and may otherwise be subject to deportation, at the time of the designation.

Granting TPS designation for Haitian nationals would be the fair and smart thing to do, and would help Haiti to recover from the devastating events of just months ago in anticipation of eventually reabsorbing those forced to leave due to the disaster. We urge you to act quickly to assist Haitian nationals in the United States and temporarily prevent their deportation to a still-ravaged country.

Sincerely,


Patrick Leahy
Chairman
Senate Judiciary Committee
Charles E. Schumer
Chairman
Subcommittee on Immigration, Refugees
and Border Security

Congress of the United States
Washington, DC 20515

March 25, 2009

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, Northwest
Washington, D.C. 20500

Dear Mr. President:

We are writing to reiterate our support for your Administration granting Temporary Protected Status (TPS) to Haitian nationals in the United States.

As you know, the Haitian people are still struggling to recover after a string of natural disasters destroyed many parts of their country. During last year's hurricane season, four back-to-back tropical storms ravished Haiti leaving widespread devastation on the island nation and killing hundreds. The flooding and mudslides caused by the storms left Haiti's already precarious infrastructure in tatters with many bridges, roads, water and sanitation systems, schools, hospitals and homes destroyed. An entire season's crop harvest was wiped out, causing food prices to skyrocket and Haitians to riot because of their inability to provide food for their families. To this day 150,000 still survive on donated food. Reports state that the storms destroyed 15 percent of the GDP of a country that is considered the least developed in the Western Hemisphere and a recent report found that Haiti is the 7th most vulnerable country in the world to the economic downturn.

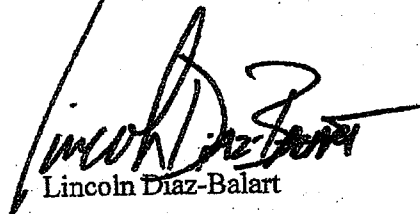
Although months have passed since the storms hit Haiti, the country is far from returning to a state of normalcy. The recovery efforts are hampered by the Government of Haiti's lack of the necessary resources to provide basic services, let alone adequately provide for its citizens after this string of natural disasters. The deportation of over 30,000 Haitian back to their country will only further destabilize the country and leave it without much of the remittances that help many Haitian families survive.

A U.S. State Department travel warning issued in January illustrates the hazardous nature of the situation in Haiti. The State Department warning specifically cited the "destructive impact" of the storms when warning of travel to Haiti. Another State Department report says that many parts of the country are experiencing "chronic shortages" of food and says there are "no safe areas" in Haiti.

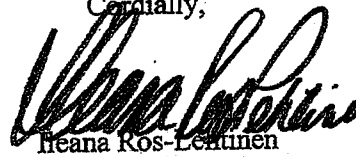
Congress established TPS as a safe haven for those foreign nationals who cannot safely return to their home country due to ongoing armed conflict or because of an environmental disaster. Clearly, the destruction caused by the four storms in Haiti does not allow the safe return of Haitian nationals to their country, and as such we strongly believe the Administration should provide TPS to the Haitian nationals currently in the United States.

Thank you for your kind consideration of this important matter.

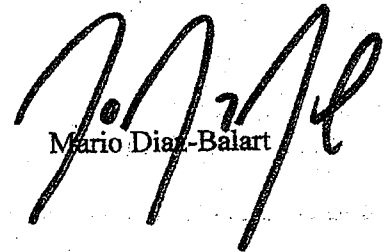
Cordially,



Lincoln Diaz-Balart



Heana Kos-Lehtinen



Mario Diaz-Balart



DENNIS C. MOSS
CHAIRMAN

Board of County Commissioners
MIAMI-DADE COUNTY - FLORIDA
DISTRICT 9

□ DOWNTOWN OFFICE
111 N.W. FIRST STREET, SUITE 220
MIAMI, FLORIDA 33128
(305) 375-4832
FAX (305) 372-6011

□ DISTRICT NORTH OFFICE
10710 S.W. 21ST STREET, SUITE 206
MIAMI, FLORIDA 33189
(305) 234-4938
FAX (305) 232-2892

□ DISTRICT SOUTH OFFICE
1634 N.W. 6TH AVENUE
FLORIDA CITY, FLORIDA 33034
(305) 245-4420
FAX (305) 245-5008

March 17, 2009

Mr. President Barack Obama
The President
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

The humanitarian crisis in Haiti is a situation that Miami-Dade County cannot ignore. Our residents, in concert with county and city governments, have responded generously to the recent disasters in Haiti, both natural and man-made. We have collected food, clothing and other basic necessities and along with funds have sent them through relief organizations to help people in need. Members of this Board of County Commissioners have visited impoverished communities in Haiti to see first hand the living conditions and how our contributions are helping to address the people's suffering.

It is clear to Miami-Dade County that the Haitian government does not have the capacity to respond to the widespread death and destruction caused by the multiple effects of the recent summers' tropical storms, civil unrest and the world-wide food shortage. The U.S. Congress established the Temporary Protected Status (TPS) program to provide protection to people who are temporarily unable to return to their homelands because of natural disaster or humanitarian crisis. Haitian President René Préval has written to our government requesting that TPS be extended to Haitians. Clearly there is a need to provide a temporary safe haven for Haitian nationals currently in the United States.

The residents of Miami-Dade County are calling for action. The call is coming from people throughout our diverse communities and is loudest among those who are themselves immigrants or the children of immigrants.

It has been said by many outside of our community, that the granting of TPS to Haitians will result in a mass exodus of refugees leaving the island for our shores. Miami-Dade County has found otherwise. Past changes in U.S. Government policies toward Haitians, such as the granting of status to former refugees under the Haitian Refugee Fairness Act of 1998, did not touch off a mass exodus. Experience has shown us that it is only when we do nothing that desperate people feel they must act. Only then are terrified people willing to crowd into rickety small boats and set out to risk death in a treacherous sea crossing. We know that the United States Coast Guard along with other federal, state and local agencies will continue to do all they can to prevent such a disaster.

Mr. President Barack Obama
Page 2 of 2

We also know that the people of Haiti, along with the Haitian immigrants in our own community, are working hard to transform their island nation into a homeland with opportunities for prosperity and happiness for its citizens. It is insensitive and inhumane to forcibly deport people who are currently living in our community to a place where they are at high risk for starvation, disease and violent death.

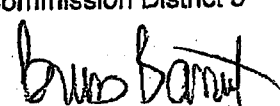
The time is now to renew our efforts to encourage you to grant temporary protected status to Haitians who are already in the United States. We have united our energies and support and ask that you act now to grant fair and equal treatment for all immigrants in our community.

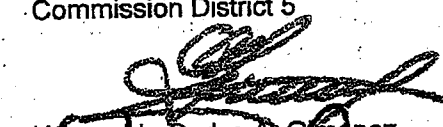
Respectfully yours,


Honorable Dennis C. Moss, Chair
Commission District 9


Honorable Barbara A. Jordan
Commission District 1



Honorable Audrey Edmonson
Commission District 3


Honorable Bruno A. Barreiro
Commission District 5


Honorable Carlos A. Gimenez
Commission District 7


Senator Javier D. Souto
Commission District 10


Honorable Natacha Seijas
Commission District 13


Honorable Jose "Pepe" Diaz, Vice Chair
Commission District 12


Honorable Dennis D. Rolle
Commission District 2


Honorable Sally Heyman
Commission District 4


Honorable Rebeca Sosa
Commission District 6


Honorable Katy Sorenson
Commission District 8


Honorable Joe A. Martinez
Commission District 11

Congress of the United States
Washington, DC 20515

March 10, 2009

The Honorable Janet Napolitano
Secretary of Homeland Security
U.S. Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano,

We would like to first congratulate you on your recent confirmation as Secretary of Homeland Security. We also write to express our outrage over the continuing deportations of Haitians in the United States and urge you to immediately grant Haitian immigrants in the United States Temporary Protected Status (TPS).

This past summer, only months after deadly food riots, Haiti was hit by four back-to-back hurricanes and tropical storms. Thousands lost their homes, many were left starving and isolated from humanitarian assistance, nearly 800 lives were taken, and as of last month, over 300 people remain missing. Though recovery efforts have slowly commenced, much of Haiti remains in a state of destruction. Up to 40,000 people are in shelters, and severe malnutrition concerns have arisen throughout rural areas.

The Bush administration recognized these conditions and commendably chose to halt deportation flights to Haiti. However, this past December, the Department of Homeland Security (DHS) unexpectedly chose to resume deportations. Even worse, deportations are still occurring at alarming rates and under disturbing conditions.

As you know, TPS may be granted when any of the following conditions are met: there is ongoing armed conflict posing a serious threat to personal safety; it is requested by a foreign state that temporarily cannot handle the return of nationals due to environmental disaster; or when extraordinary and temporary conditions in a foreign state exist which prevent aliens from returning. Now, more than ever, Haiti continues to meet all of the requirements for TPS.

In December, your predecessor determined that Haiti did not meet the standards for TPS. Given the overwhelming challenges with which Haiti has been forced to contend over the past year, we urge you to reverse this decision and grant Haitians in the United States TPS, or at the very least, resume the halt on deportations pending further policy review.

As Haiti's humanitarian crisis becomes increasingly dire and the nation's struggle for economic stability and sustainable development is further delayed, it is only a matter of time before a humanitarian crisis becomes a political one threatening the stability of Haiti and our entire region. TPS is the least expensive, most immediate form of humanitarian assistance we

can provide, as it allows the Haitian government to invest all of its limited resources in the rebuilding and redevelopment of its struggling economy.

Just 600 miles from our shores, political and economic instability in Haiti impacts our own economy and immigration levels, thereby making it our responsibility to work to ensure Haiti's long-term stability. The people of Haiti have long suffered through natural destruction, persistent poverty, and repressive regimes. We have a moral obligation to help the people of Haiti sustain and rebuild their country by granting Haitian nationals already residing in the United States TPS.

In keeping with President Obama's promise to renew America's global leadership, we respectfully ask that you address this extremely critical issue immediately.

We thank you for your consideration and look forward to working with you on this and other matters of mutual concern.

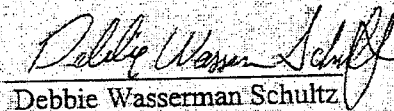
Sincerely,



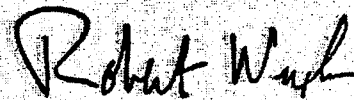
Alcee L. Hastings
Member of Congress



Kendrick B. Meek
Member of Congress



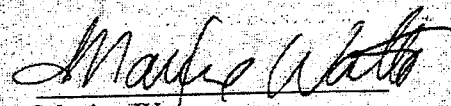
Debbie Wasserman Schultz
Member of Congress



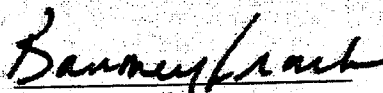
Robert Wexler
Member of Congress



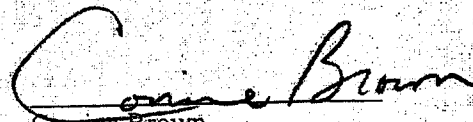
Ileana Ros-Lehtinen
Member of Congress



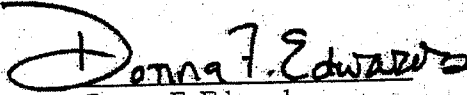
Maxine Waters
Member of Congress

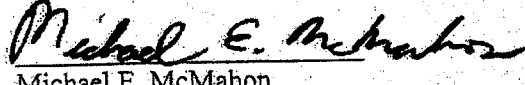


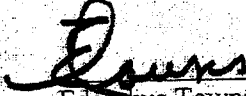
Barney Frank
Member of Congress





Corrine Brown
Member of Congress

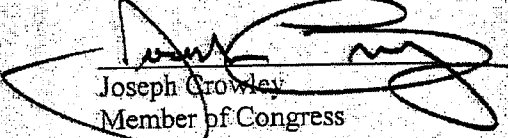

Donna F. Edwards
Member of Congress

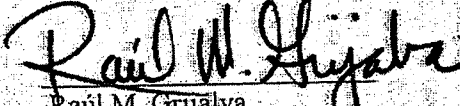

Michael E. McMahon
Member of Congress

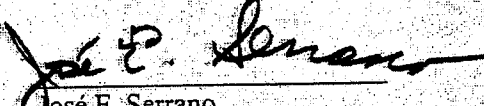

Edolphus Towns
Member of Congress

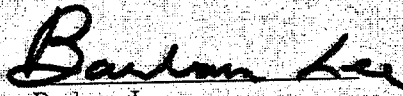

William D. Delahunt
Member of Congress


Bob Filner
Member of Congress


Joseph Crowley
Member of Congress


Raúl M. Grijalva
Member of Congress


José E. Serrano
Member of Congress


Barbara Lee
Member of Congress

DECLARATION

**DECLARATION OF SUSANA BARCIELA IN SUPPORT OF FOIA
EXPEDITED PROCESSING REQUEST**

1. My name is Susana Barciela. In my capacity as Policy Director at Florida Immigrant Advocacy Center ("FIAC"), I am primarily engaged in disseminating information to the public for the purpose of informing the public about pressing immigration policy matters, including the Government's denial of Temporary Protected Status ("TPS") to Haitians. After collecting and documenting information, I disseminate that information to the public by a variety of means, including meeting with community and national leaders, preparing press releases and coordinating press conferences, producing comprehensive published reports that are distributed to the community, press and elected officials, and communicating regularly with the English- and Spanish-language media.
2. My professional background is in the news media. I came to FIAC from The Miami Herald, where I served as a writer for its Editorial Board for 11 years. Over the years, I have been recognized for my writing on immigration issues by the Inter-American Press Association, Women's Commission for Refugee Women & Children and the American Immigration Lawyers Association. Before joining the Editorial Board, I was a business writer and columnist at the newspaper.
3. In recent months, I have drafted and disseminated the series of press releases identified in the Declaration of Ms. Al-Sahli for the purpose of disseminating urgent information to the public regarding the deportation of Haitians to a devastated and unsafe country. This information has included the dire situation in Haiti; the threat of deportation faced by 30,000 Haitian residents in the United States; a fact check disputing the misinformation used to justify the denial of Temporary Protected Status ("TPS") to Haitians; the background and purpose of TPS; how to contact officials regarding TPS for Haitians; and examples of individual Haitians in the United States whose life and safety are threatened by the continued denial of TPS. See FIAC News Release, "Pulitzer Photos Show Haiti's Desperate Need," April 21, 2009; FIAC Fact Sheet, "Fact Check: Bogus Threat of 'Mass Exodus' from Haiti," March 6, 2009; FIAC Urgent Action, "Stop the Deportations Now! Grant Haitians Temporary Protected Status," March 5, 2009; FIAC News Release, "ICE Grants Reprieve to Haitian Mother of Sick Child, Advocates Send Letter to President Obama," February 10, 2009; FIAC

News Release, "Secretary Napolitano: Grant Haitians a Stay of Deportation," January 26, 2009; FIAC Urgent Action, "Call for TPS," January 22, 2009; FIAC, "Haitians Deserve and Urgently Need Temporary Protected Status," December 9, 2008 (Attached).

4. I also recently completed a comprehensive report on the lack of adequate access to medical treatment for all immigration detainees, which was distributed to the community, press, and elected officials. *See Dying for Decent Care: Bad Medicine in Immigration Custody* (2009) (available at <http://www.fiacfla.org/reports/DyingForDecentCare.pdf>).
5. In order to fully inform the public about the Government's actions regarding TPS, however, I require access to the information we have requested: the undisclosed basis for the Government's refusal to extend protection to Haitians. For the reasons stated in Ms. Al-Sahli's declaration (which I hereby adopt and incorporate), there is an urgent need for the public to be informed about the undisclosed reasons underlying the Government's action so that the public can respond to those reasons and be heard. Access to this information is critical to protecting the lives and safety of Haitian deportees as well as those already in Haiti and averting the impending humanitarian crisis as 30,000 Haitians face deportation to an already unsafe and unstable nation. Without access to the requested records, I am unable to disseminate to the public this urgently needed information.

I, Susana Barciela, declare under penalty of perjury that the foregoing statement is true and correct to the best of my knowledge and belief.

Signed: Susana Barciela

Dated: 7/8/09

FLORIDA IMMIGRANT ADVOCACY CENTER

"To protect and promote the basic human rights of immigrants of all nationalities"

April 21, 2009

Pulitzer Photos Show Haiti's Desperate Need

Susana Barciela

(Miami, April 21) – Patrick Farrell's heartrending photographs and richly deserved Pulitzer Prize should put to rest any doubts that Haiti deserves help from the United States.

Mr. Farrell, a photographer for The Miami Herald, poignantly documented the destruction wreaked in Haiti by four killer storms last year. Those storms left 800 dead and more than a million people homeless in the aftermath. The resulting 15 percent loss of Haiti's Gross Domestic Product was the equivalent of up to 15 Hurricane Katrinas hitting Haiti in one month.

Mr. Farrell's photos, indeed, are more powerful than words. They show children killed by flood waters, others wasting away due to malnutrition. They show the destroyed roads and crops, the battered buildings and families. Lamentably, the threat of famine remains real, and conditions have little improved in the areas most affected by the storms.

U.S. Secretary of State Hillary Clinton offered encouraging U.S. aid and words at a Haiti donor's conference and during her visit with Haitian President Rene Preval last week.

Granting Temporary Protected Status (TPS) to Haitians in the United States would further improve Haiti's prospects. TPS would allow some 30,000 Haitians already here to work and continue sending remittances to Haiti. These remittances are a vital lifeline. The money goes directly to Haitians on the island, encouraging Haitians to stay and rebuild their country.

"TPS for Haitians will benefit the United States and as much as it will help Haiti," said FIAC Executive Director Cheryl Little. "It is in the United States' interest for Haiti to rebuild and stabilize over the long run."

FIAC urges the administration to grant TPS to Haitians and applauds the many Congress members and editorial boards nationwide who support such a grant.

3000 Biscayne Blvd, Suite 400, Miami, Florida 33137 tel: 305-573-1106 fax: 305-576-6273



FLORIDA IMMIGRANT ADVOCACY CENTER

3000 Biscayne Blvd, Suite 400
Miami, Florida 33137
Tel: (305) 573-1106
Fax: (305) 576-6273
www.fiacfla.org

Fact Check: **Bogus Threat of "Mass Exodus" from Haiti**

A recurring scare tactic used against measures aimed at protecting Haitians over the years has been the bogus threat of a "mass exodus." This argument has no basis in reality.

The most recent statistics are not alarming.¹ In fact, when ICE suspended deportations in late 2008 during the Bush Administration, there were actually fewer interdictions than there are now. The number of interdictions does not correspond directly to deportations of Haitians. Ebbs and flows are typical in the monthly migration patterns from Haiti. Indeed, February 2009 has recorded less than half of the number of Haitian interdictions as January 2009.

Despite horrific environmental conditions in Haiti throughout 2008, the number of interdictions for the fiscal year was over 15% below the ten-year average.² Interdictions were low after the storms in August and September 2008. There was no spike in interdictions when the United States temporarily halted deportations. Quite the opposite in fact, as interdictions dropped to 0 in November 2008, even though this was in the middle of the time period when Haitians were not being deported.

"Spikes" in Haitian migration patterns are relative when compared with other Caribbean countries. A yearly average of 1628 Haitians has been interdicted in the past ten-year period. The only "spike" occurred in 2004 when 3229 Haitians were interdicted, but that same year, 5014 Dominicans were interdicted. Indeed, every year since 2005 has shown far higher interdictions of Cubans than Haitians.³

This is an old argument. Historically, in an apparent effort to provide a valid, non-discriminatory reason to deny protection to Haitians, the "mass exodus" argument has been pulled out again and again. The government's actual numbers of interdictions betray the argument. About 1628 Haitians have been interdicted per year over the past decade. These numbers pale in comparison to the Mariel Boatlift in the spring of 1980, during which 125,000 Cubans arrived in the United States, as well as the relatively large flow of refugees in 1994 consisting of 25,069 Haitians and 37,191 Cubans. Coast Guard statistics demonstrate fluctuations in numbers each month and patterns of small spikes are not unusual, and are not followed by mass migrations.

¹ Raw numbers from the U.S. Coast Guard are available at http://d7publicaffairs.com/clients/crisis_586/120835.pdf and <http://www.uscg.mil/hq/cg5/cg531/AMIO/FlowStats/FY.asp> (last viewed March 6, 2009).

² In FY 2008, 1357 Haitians were compared to a yearly average of 1628 in the since FY1999.

³ In FY2005, 1850 Haitians were interdicted compared to 2712 Cubans, in FY2006 1198 Haitians were interdicted compared to 2810 Cubans, in FY2007 1610 Haitians were interdicted compared to 2868 Cubans and in FY2008 1357 Haitians were interdicted compared to 2099 Cubans. See U.S. Coast Guard Statistics at <http://www.uscg.mil/hq/cg5/cg531/AMIO/FlowStats/FY.asp>

Following the 1991 coup d'etat in Haiti U.S. officials, in response to a class-action lawsuit, the government claimed that 20,000 Haitians "were massed" on the Haitian beaches and ready to head to Guantánamo, and that Guantánamo could not accommodate these Haitians. This false information derived from the declaration of Robert K. Wolthuis, who was presented as the Assistant Secretary of Defense. Mr. Wolthuis had assumed that position for one day only - the day he signed the declaration. The Government admitted that the term "massing" was ambiguous and that they were unsure of the number of Haitians preparing to leave. And independent observers, including the Coast Guard attaché in Port-au-Prince who frequently flew over the point of departure for Haitians, concluded there was no threat of mass migration.

In late 2001, when a boat carrying 167 Haitians ran aground off Miami's coast our government again, under the guise of national security and the threat of a "mass exodus," detained and discriminated against them. The INS adopted a secret no-release policy for the detained Haitians. Only in March 2002, did INS officials they based their decision on evidence of a "mass exodus of Haitian boat people that could rival the tens of thousands who fled Cuba and Haiti in the 1990s or the Cuban Mariel Exodus in 1980." The only evidence INS put forth in support of its initial claim of a mass migration were Coast Guard statistics which showed that 350 Haitians were intercepted in November 2001 as compared to 96 during the preceding three months. However, Coast Guard statistics also show that they were routinely interdicting more than 350 Haitians a month at various times during the last five years (for example, 395 in January 2000, 477 in October 1998, 428 in September 1998, and 421 in November 1997). Each of these monthly interdictions represented substantial increases over total interdictions from the preceding three months, yet no mass migration occurred following any of these months of increased interdictions.

Despite the scare tactic, there was no mass exodus of Haitians; only 1,486 Haitians were interdicted in fiscal year 2002, just slightly higher than the 1,391 interdicted for fiscal year 2001. Moreover, although there were fewer interdictions in the first half of 2002 than there were in the first half of 2001, the drop cannot be attributed to the Haitian detention policy because INS denied it had such a policy between December 2001 and mid-March 2002. A secret policy clearly cannot have a deterrent effect. If the policy was intended as a deterrent, the number of interdictions underscores its complete and utter failure; not one Haitian was interdicted in January or February of 2002 when the policy was still a secret. Yet in the months following the public announcement of the policy — from March to July 2002 — the Coast Guard interdicted 628 Haitians.

Moreover, TPS would only be available to Haitians already here on the date it is granted, not to new arrivals. It is our understanding that there was no mass migration of Central Americans to the United States after TPS was granted to nationals of those countries. So TPS would not encourage more Haitians to come.

Most importantly, keeping Haitians in the United States who can send remittances back to relatives provides Haiti more resources to rebuild. Sending hundreds if not thousands of Haitians back to Haiti to compete for scarce housing, shelter and jobs will only increase the downward spiral — which then causes more Haitians to flee. Only a U.S. foreign policy that helps Haiti rebuild and prosper will stop Haitians from wanting to come to our shores.

Prepared: March 6, 2009



FLORIDA IMMIGRANT
ADVOCACY CENTER

URGENT ACTION

Updated: March 5, 2009

Stop the Deportations Now! Grant Haitians Temporary Protected Status

Background:

With the election of President Barack Obama, there was new hope for fair treatment of Haitians. Over 125 organizations sent a letter to the new President to stop deportations to Haiti, which is still in a state of utter devastation following four killer storms last year. Advocates were baffled when Immigration and Customs Enforcement (ICE) responded that deportations would continue. Although ICE has insisted that their intent was not to deny our request, continuing the Bush Administration's policy is in effect a denial: Haitians continue to be deported.

Temporary Protected Status (TPS) can be granted when a foreign state cannot handle the return of its nationals due to an environmental disaster, or when armed conflict poses a serious threat to public safety. Last year's storms killed hundreds and rendered hundreds of thousands homeless. Fifteen percent of Haiti's fragile economy was destroyed, the equivalent of eight to ten Hurricane Katrinas hitting the United States in the same month. Haitian deportees face hunger, homelessness, and grave threats to their security. Some could surely die. Clearly, Haitians are overqualified for TPS.

Some U.S. officials have argued that stopping deportations for Haiti would encourage a mass exodus. This is a scare tactic. When Haitians were granted a stay of deportation during the Clinton administration, no mass migration to U.S. shores materialized. Nor were there signs of frenzied boat building or Haitians fleeing when deportations were stayed recently for three months. TPS would only be available to Haitians already here on the date it is granted, not to new arrivals. So TPS would not encourage more Haitians to come.

On the contrary, TPS would help Haiti recover. Haitians in the United States could obtain work permits and would increase the already significant flow of remittances to their homeland. Haitians who receive that aid are more likely to stay and rebuild Haiti. Many depend on those remittances for their very survival. That flow of dollars is among the best foreign aid that the United States can provide, and it costs taxpayers nothing.

Call to Action:

Department of Homeland Security (DHS) Secretary Janet Napolitano is meeting with Members of Congress early next week to discuss policy toward Haitians. Call **DHS (202)-282-8495** and the **White House (202) 456-1111** today to demand an end to deportations to Haiti and review of the Bush Administration's decision to deny Haitian's TPS. Say:

"My name is _____ from ____ (your organization) _____. I'm calling to ask that you immediately stop deportations to Haiti.

- This is a matter of life and death.
- Continuing the discriminatory treatment of Haitians has no place in the new Administration.
- Haitians deserve and more than qualify for Temporary Protected Status.
- Show your leadership. Do the right thing and stop the deportations now."

Florida Immigrant Advocacy Center

A non-profit organization dedicated to promoting and protecting the rights of immigrants.

3000 Biscayne Blvd. • Suite 400 • Miami, FL 33137

(305)573-1106 • Fax: (305) 576-6273



Contacts:

NEWS RELEASE

For Immediate Release Feb. 10, 2009

Susana Barciela: 305-301-9762, sbarciela@fiacfla.org
Kelleen Corrigan: 305-905-2247, kcorrigan@fiacfla.org
Cheryl Little: 305-905-2204, clittle@fiacfla.org

**ICE Grants Reprieve to Haitian Mother of Sick Child;
Advocates Send Letter to President Obama**

(Miami, Feb. 10, 2009) – Only 45 minutes before she had to report to ICE, Vialine Jean Paul was notified that she would not be deported yesterday. “I’m so grateful to God, my lawyers, and Immigration for letting our family stay together.” Mrs. Jean Paul said. ICE has yet to inform Ms. Jean Paul about the conditions of her reprieve.

Mrs. Jean Paul’s case for a stay of deportation is exceptional. Yet FIAC and numerous other advocacy groups believe that NO Haitian should be deported now given the terrible conditions in Haiti following four killer storms last fall. The attached letter to President Obama was signed by more than 125 advocacy groups and sent to the White House yesterday evening. A brainchild of Haitian Women of Miami, FIAC, Florida Immigrant Coalition and Catholic Charities Legal Services, the letter says:

“Haitian deportees face hunger, homelessness and unemployment, if not worse, in the wake of four killer storms that further devastated our hemisphere’s poorest nation. We urge you to immediately stay deportations to Haiti pending review of U.S. immigration policy toward Haitians. To continue these deportations is inhumane and, we believe, contrary to your administration’s values of fairness, transparency and respect for human rights.”

The letter also mentioned Mrs. Jean Paul’s case. She has lived in the U.S. for 17 years, has no criminal record and is married to a U.S. citizen whose petition to legalize her status was approved by immigration authorities. Her 7-year-old, U.S.-born daughter, Angela, is seriously ill. Three medical experts affirmed that Angela’s health would be threatened should Mrs. Jean Paul be sent away. Taking Angela to Haiti, where she likely would get substandard medical care, would be equally devastating if not fatal.

U.S. Sen. Bill Nelson and U.S. Reps. Kendrick Meek, Lincoln Diaz-Balart and Mario Diaz-Balart wrote letters of support for Mrs. Jean Paul. They and others Congress members also expressed concern to ICE about her deportation.

FIAC is extremely grateful to Immigration authorities who stayed Mrs. Jean Paul’s deportation.

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3000 Biscayne Blvd. • Suite 400 • Miami, FL 33137 • (305) 573-1106 • Fax: (305) 576-6273

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FLORIDA IMMIGRANT ADVOCACY CENTER

"To protect and promote the basic human rights of immigrants of all nationalities"

January 26, 2009

Secretary Napolitano: Grant Haitians a Stay of Deportation

(Miami, Jan. 26, 2009) – As immigrant advocates see a growing number of Haitians deported, the Florida Immigrant Advocacy Center (FIAC) urged new Homeland Security Secretary Janet Napolitano to immediately stay the inhumane deportations and to seriously consider granting Temporary Protected Status (TPS) for Haitians already in the United States.

In a letter to Secretary Napolitano, FIAC executive director Cheryl Little wrote: "While resuming deportations to Haiti was not a regulatory action, it was a DHS policy reversal that we believe is not in keeping with the Obama administrations' values of fairness, transparency or human rights."

Immigration and Customs Enforcement (ICE) abruptly resumed deportations to Haiti in early December 2008 after having stopped them in September in the wake of four devastating storms and hurricanes. Former DHS Secretary Michael Chertoff also denied the Haitian government's request for a stay of deportations through TPS on December 19, 2008.

The FIAC letter also notes that Louiness Petit-Frere, 31, was deported on Friday, January 23. Here 10 years with no criminal history, he leaves his U.S.-citizen wife behind along with his mother and four siblings, all of whom have legal status. Mr. Petit-Frere was detained by ICE at the Citizenship and Immigration Services interview while he and his U.S.-citizen wife were in the process of legalizing his status. In fact, his wife's petition on his behalf (the I-130) had been approved. One of his brothers U.S. Marine Sgt Nikenson Peirreloui, served and was injured in Iraq. Sgt Peirreloui said, "I don't think it's right to deport him after he was doing the right thing in trying to legalize."

About Florida Immigrant Advocacy Center

Florida Immigrant Advocacy Center (FIAC) is one of the nation's largest non-profit agencies providing immigration legal services. FIAC is dedicated to protecting and promoting the basic rights of immigrants of all nationalities. Since its founding in 1996, FIAC's multilingual and multicultural staff has closed more than 60,000 cases. FIAC has influenced national policies; successfully litigated or otherwise challenged patterns of abuse; and taken a leading role in educating the public about the impact that immigration laws and directives have on our communities. FIAC is nationally recognized as a powerful advocate for immigrants' rights.

FIAC's Annual Awards Dinner is taking place on February 17, 2009. It will feature keynote speaker Hon. Rosemary Barkett, U.S. Circuit Court, United States Court of Appeals.

The letter to Janet Napolitano follows -

January 26, 2009

The Honorable Janet Napolitano
Secretary, Department of Homeland Security
2001 Independence Avenue, SW
Washington, DC 20201
Fax: 202-282-8401

RE: Haitian Deportations and Temporary Protected Status

Dear Secretary Napolitano,

Congratulations on your new appointment. We understand that yours is a tough job. There are pressing issues to address as you begin to reshape DHS in the values of the new administration.

In that spirit, we bring an urgent concern to your attention: The former administration's late-term decisions to resume deportations to Haiti and to deny the Haitian government's request for a stay of those deportations through Temporary Protected Status (TPS). We ask that you stay the deportations while you consider reversing the former DHS secretary's denial of TPS on Dec. 19, 2008.

Continuing these deportations hampers Haiti's recovery from devastating storms last summer while increasing the misery in Haiti and in Haitian-American communities here. Given Haiti's current conditions, deportees will face hunger, homelessness and unemployment – and some could die because of the recent Bush administration decisions.

Immigration and Customs Enforcement (ICE) abruptly resumed deportations to Haiti in early December 2008 without public notice or explanation. Former DHS Secretary Michael Chertoff denied TPS in a letter to Haitian President René Préval on December 19, 2008. ICE had stayed deportations to Haiti on September 19, 2008, following strikes there by four tropical storms and hurricanes in August and early September 2008.

We were heartened by President Obama's quick move to suspend regulatory changes initiated in the waning days of the last administration. While resuming deportations to Haiti was not a regulatory action, it was a DHS policy reversal that we believe is not in keeping with the Obama administration's values of fairness, transparency or human rights. The agency abruptly resumed deportations in December.

The storms killed 800 and have left tens of thousands of people homeless, living in shelters, on roofs and in mud-filled homes. Flooding wiped out livestock and most of the food crops, deepening already desperate hunger among more than 2 million Haitians. The four storms destroyed 15 percent of Haiti's fragile economy, the equivalent of eight to 10 Hurricane Katrinas hitting the United States in one month.

As The Miami Herald reported recently, "The gloomy prognosis is widespread [in Haiti] and comes amid a global financial meltdown that has largely detracted world attention from the storms\' devastation, the worst humanitarian disaster to hit Haiti in 100 years."

Haiti's government is overwhelmed. Sending deportees who will need food and shelter only adds to Haiti's misery and the government's burden. Haitian President René Préval said as much last October in Miami, and TPS exists exactly for such natural calamities.

"Haiti will no longer be able to receive the deported individuals that the United States sends us on a regular basis," President Préval said. "This is the occasion for the United States administration to put in place for Haitians the benefit of TPS, the Temporary Protected Status, that has already been granted to other countries in the region, such as El Salvador, Honduras and Nicaragua."

The United States typically grants TPS when foreign governments cannot handle the return of their nationals due to "ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions." Six countries currently are designated for TPS. For example, the U.S. government granted TPS for nationals of El Salvador, Honduras and Nicaragua due to Hurricane Mitch in 1999 and severe earthquakes in El Salvador in 2001. In extending the period of TPS for those nationals in September 2008, DHS said "those countries are still recovering from the devastating effects of natural disasters" – a decade later.

Imagine now the devastation in Haiti, the hemisphere's poorest country, only four months

after the last of four killer storms. It is mind-boggling that under the previous administration ICE resumed deportations "based on the circumstances in Haiti." If anything, the prospects for Haiti's recovery are worse today than four months ago when ICE properly stayed the deportations in Hurricane Ike's wake. It is mind-boggling that former Secretary Chertoff could conclude that Haiti did not "currently warrant a TPS designation," with no further explanation. If not now for Haiti, when?

Some U.S. officials have argued that stopping deportations for Haiti would encourage a Haitian exodus. That old saw doesn't cut. When Haitians were granted a stay of deportation during the Clinton administration, no mass migration to U.S. shores materialized. Nor were there signs of frenzied boat building or Haitians fleeing when deportations were stayed recently. TPS would only be available to Haitians already here on the date it is granted, not to new arrivals. So TPS would not encourage more Haitians to come.

On the contrary, TPS would help Haiti recover. Haitians in the United States could obtain work permits and would increase the already significant flow of remittances to their homeland. Haitians who receive that aid are more likely to stay and rebuild Haiti. Many depend on those remittances for their very survival. That flow of dollars is among the best foreign aid that the United States can provide, and it costs taxpayers nothing.

For years, Haiti has been deserving of TPS. Too often the country has been wracked by political violence and natural disasters. Yet the U.S. government has not granted TPS. We do not raise concerns about racism lightly. Nonetheless, we are hard pressed to find any logical reason for the Bush administration's policy reversal on deportations to Haiti.

Beyond policy issues, lives are on the line. Haitian families will have to decide whether to subject U.S. citizen spouses and children to Haiti's disastrous conditions or to leave them behind and be torn apart.

Louiness Petit-Frere (A- 77 004 720), 31, for example, was deported last Friday, January 23. Here 10 years, he had no criminal history. Yet he was detained at the Citizenship and Immigration Services (CIS) interview while he and his U.S.-citizen wife were in the process of legalizing his status. In fact, his wife's petition on his behalf (the I-130) had been approved. His mother and four siblings all live in the United States legally. One brother, U.S. Marine Sgt Nikenson Peirreloui, served and was injured in Iraq. Sgt Peirreloui said, "I do not think it's right to deport him after he was doing the right thing in trying to legalize."

In September President Obama, then a Senator, issued a statement. "The Haitian-American community is doing its part by supporting family and friends in Haiti in their time of need," he said. "Now the United States government and the international community must intensify relief efforts to bring food, water and shelter to the storm victims."

Haiti still needs our help. We urge you to immediately stay the inhumane deportations to Haiti and to seriously consider granting TPS for Haitians here. Not only will this speed Haiti's recovery, but it is in the best interest of the United States.

Attached is additional information for your review.

Sincerely,

Cheryl Little
Executive Director
Florida Immigrant Advocacy Center

cc: Senate Majority Leader Harry Reid
Senate Judiciary Committee Chairman Patrick Leahy
Senator Edward Kennedy

Senator Bill Nelson
Senator Mel Martinez
House Speaker Nancy Pelosi
House Judiciary Committee Chairman John Conyers, Jr.
Congressional Black Caucus Chairwoman Barbara Lee
House Immigration Subcommittee Chairwoman Zoe Lofgren
Representative Sheila Jackson Lee
Representative Corrine Brown
Representative Alan Grayson
Representative Bill Posey
Representative Tom Rooney
Representative Kendrick B. Meek
Representative Ileana Ros-Lehtinen
Representative Robert Wexler
Representative Debbie Wasserman Schultz
Representative Lincoln Diaz-Balart
Representative Ron J. Klein
Representative Alcee L. Hastings
Representative Suzanne Kosmas
Representative Mario Diaz-Balart
White House Political Director Patrick Gaspard
White House Intergovernmental Affairs Director Cecilia Muñoz

3000 Biscayne Blvd, Suite 400, Miami, Florida 33137 tel: 305-573-1106 fax: 305-576-6273

FLORIDA IMMIGRANT ADVOCACY CENTER

"To protect and promote the basic human rights of immigrants of all nationalities"

December 9, 2008

Haitians Deserve and Urgently Need Temporary Protected Status

Cheryl Little & Susana Barciela

- Haiti was struck by four hurricanes and tropical storms in less than one month: Fay, Gustav, Hanna and Ike. The entire country has been affected: hundreds are reported dead, 600,000 houses have been damaged and more than 3 million persons affected, according to the most recent United Nations report. The storms have wiped out most of the food crops and millions face the specter of acute hunger. Meanwhile, malaria and other diseases are spreading. Eight key bridges collapsed during the storms and roads have turned into lakes. According to the United Nations' special envoy to Haiti, both the UN mission and the Haitian government have been overwhelmed by the scale of the disasters.
- More than 300,000 are homeless in the city of Gonaïves alone. Gonaïves has been virtually cut off by Hanna's floodwaters. Other cities have been isolated and are only accessible by air. (Over 3,000 people died in Gonaïves following tropical storm Jeanne in September of 2004).
- Haiti was on the brink of famine that sparked deadly riots before the last two storms. Since then, many of Haiti's fledgling agricultural crops were destroyed by floods and mudslides and the infrastructure completely overwhelmed.
- As of September 5, 2008, over 54,000 Haitians were living in emergency shelters and countless numbers were going without food and water. According to the U.S. Agency for International Development, even before the hurricanes, an estimated 2.3 million Haitians had "fallen into food insecurity." The prices for staple foods increased over 40% since January 2008, and more again since the storms.
- Earlier in November, a school collapse killed 91 students and teachers and injured 162 people. Five days later, another Port-au-Prince school partially collapsed. The causes of the disasters are not clear. The same month, Doctors Without Borders reported 26 children had died of malnutrition in a remote region.
- Travel warnings issued by the U.S. Department of State in April 30, 2008 remain in effect, advising Americans to defer non-essential travel to Haiti until further notice due to political and economic conditions that precipitated civil unrest.
- Temporary Protected Status (TPS) is the least expensive, most immediate form of humanitarian assistance we can provide Haiti. It allows the Haitian government to invest all of its internal resources in the rebuilding and redevelopment of its struggling economy. TPS will also enable Haitians already in the U.S. to continue sending remittances to their loved ones in Haiti, whose very survival could depend on this support.
- In 2006, Haitians in the U.S. sent \$1.65 billion in remittances to Haiti. No other group in the world sends money home in a higher percentage than Haitians living abroad.
- TPS may be granted when there is ongoing armed conflict that poses a serious threat to public safety; it is requested by a foreign state that cannot handle the return of its nationals due to environmental disaster; or when extraordinary and temporary conditions exist which prevent foreign nationals from returning.
- Haitians have been deserving of TPS over the years, given the political turmoil in Haiti, the devastation caused by natural disasters and the country's inability to effectively respond in a timely fashion. Yet Haitians have never been granted TPS. Conversely, TPS has been granted to nationals of Sudan, Liberia, Guinea-Bissau, Somalia, Burundi, Bosnia-Herzegovina, El Salvador and Guatemala due to political unrest in those countries. TPS was granted to Hondurans and Nicaraguans after Hurricane Mitch in 1998 and to Salvadorans after an earthquake in 2001. On October 1, 2008, TPS was extended for Nicaraguans, Hondurans, and El Salvadorans.
- There is a misperception that TPS is never temporary. This is simply false. According to USCIS, TPS has been granted and then terminated for the following countries: Angola, Lebanon, Bosnia and Herzegovina, Liberia, El Salvador (early 1990's), Montserrat, Guinea-Bissau, Rwanda, Kosovo Province (Federal Republic of Yugoslavia), Sierra Leone, Kuwait, and Burundi. All three Administrations that have invoked TPS have also terminated TPS status.
- The Deputy Assistant Secretary for the Bureau of Western Hemisphere Affairs recently told members of Congress that there are concerns that granting TPS to Haitians would "encourage people to depart." This argument is not only faulty—permitting Haitians already in the U.S. to send remittances to their families in Haiti will likely prevent them from fleeing—but it constitutes a double standard. Most important, Haitian nationals were granted Deferred Enforced Departure (DED) in 1997 by President Clinton, and there was no mass migration of Haitians to the United States. Haitians not already in the U.S. would not be eligible for TPS—there is a clear cut-off date.
- TPS will permit Haitians presently in the U.S. to reside here with work permits for 18 months. Haitians with two or more misdemeanors or one felony could still be deported.
- It is estimated that only about 20,000 Haitians would qualify for TPS, a significantly smaller number than for other groups already granted TPS.

Florida Immigrant Advocacy Center

Page 2 of 2

• Haiti is only 600 miles from our shores. Granting Haitians TPS will not only spare Haitians living in the United States from being returned to a country where they could well face starvation and homelessness and further burden a government on the brink of disaster, but will permit the beneficiaries of TPS to continue to support their loved ones in Haiti.

• Canada has had a moratorium on Haiti deportations for some time, in recognition of Haiti's fragile political and economic situation. Its time for the United States to recognize that Haitians are clearly deserving of TPS and to grant this relief immediately. To do less is not only inhumane but some would argue is racist.

Call for TPS for Haitians today! Write or call President Bush and DHS Secretary Chertoff:

George W. Bush
President of the United States
The White House
Washington, DC 20500
Phone: 202-456-1111
Fax: 202-456-2461 comments@whitehouse.gov

Michael Chertoff
Secretary, Department of Homeland Security
2001 Independence Avenue, SW
Washington, DC 20201
Phone: 202-282-8000
Fax: 202-282-8401

3000 Biscayne Blvd, Suite 400, Miami, Florida 33137 tel: 305-573-1106 fax: 305-576-6273

U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

August 12, 2009

Ms. Tania Galloni
Attorney
Florida Immigrant Advocacy Center
3000 Biscayne Blvd., Ste. 400
Miami, Fla. 33137

Re: **DHS/OS/PRIV 09-247**

Dear Ms. Galloni:

This is the final response to your January 22, 2009, Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS) for records relating to the recommendations on Temporary Protected Status (TPS) designation for Haiti in 2008. This office received your request as a referral on February 5, 2009.

We are granting your request under the FOIA, Title 5 U.S.C. § 552, as amended, and DHS' implementing regulations, 6 C.F.R. Chapter I and Part 5. After carefully reviewing the responsive documents referred to the Office of Policy from the Office of Privacy, I determined that they are appropriate for public release. They are enclosed in their entirety; no deletions or exemptions have been claimed.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

If you need to contact us about this request, please refer to **DHS/OS/PRIV 09-247**. You may contact this office at 202.282.9583.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean M. McAfee", written over a horizontal line.

Sean M. McAfee
FOIA Officer (Acting)
Office of Policy

Plaintiff's Exhibit

Enclosure(s): 1 document, 4 pages

9

U.S. Department of Homeland Security
Washington, DC 20535



Homeland
Security

OCT 08 2008

DECISION

MEMORANDUM FOR: Secretary Chertoff
Deputy Secretary ~~Schneider~~

FROM: Stewart Baker
Assistant Secretary for Policy

SUBJECT: *FR* Decision on Designation of Temporary Protected Status
for Haiti

Purpose

Attached for your review you will find material prepared by U.S. Citizenship and Immigration Services (USCIS) and the Department of State (DOS) outlining relevant considerations in making a decision for or against a designation of temporary protected status (TPS) for Haiti (Attachments A - D). For the reasons stated below and detailed in the attached materials, I concur with the USCIS recommendation not to designate Haiti for TPS. You may indicate your decision on the Decision Document immediately following this memo.

Background

On February 12, 2008, President Preval asked President Bush to designate Haiti for TPS based on the devastation wrought by severe tropical storms and attendant flooding over the past several years (Attachment E). DHS has received numerous congressional inquiries urging the President and you to grant TPS to Haitian nationals affected by the severe weather. Congressional interest has increased in the wake of the additional damage to Haiti caused by Hurricane Ike in September 2008.

(i) In deciding whether to make an initial TPS designation, you must determine whether the statutory requirements are met. *See* INA § 244(b)(1); 8 U.S.C. § 1254a(b)(1). In the case of Haiti, a determination must be made whether: (1) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected, (2) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and (3) the foreign state officially has requested designation.¹ INA § 244(b)(1)(B); 8

¹ The Secretary may also designate a country for TPS under INA, section 244(b)(1)(C) if "there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the

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U.S.C. § 1254a(b)(1)(B). Your decision to designate a foreign state for TPS is a discretionary matter that is not subject to judicial review. See INA § 244(b)(1), (5)(A); 8 U.S.C. § 1254a(b)(1), (5)(A).

Description of Country Conditions

As of September 22, 2008, in Haiti, the total population affected by the hurricanes was 850,000. Specifically, there are 423 reported dead, 50 missing, 151,072 internally displaced and without shelter, 111,391 internally displaced in shelters, 10,842 houses destroyed, and 35,125 houses damaged. The CIA World Factbook lists Haiti's total population as approximately 8.9 million.

By comparison, in 1999, the countries of Honduras and Nicaragua were designated for TPS based on the effects of Hurricane Mitch. In Honduras, it was estimated that between 6,500 and 7,000 people were killed and up to 11,000 people were missing; up to 1.5 million people were displaced and left homeless. In Nicaragua, an estimated 3,000 people were killed and 400,000 to 800,000 were left homeless as a result of Hurricane Mitch. Later in 2001, the country of El Salvador was designated for TPS in response to two earthquakes. Together the earthquakes resulted in 1,259 deaths and approximately 9,000 injuries; 1.3 million people were left homeless. At the time of Hurricane Mitch, Honduras' population was approximately 5.8 million and Nicaragua's was approximately 4.6 million.

In December 2004, an earthquake triggered a tsunami that affected Indonesia, Sri Lanka, India, Thailand, Myanmar, the Maldives, Malaysia, Bangladesh, Somalia, Tanzania, Kenya and the Seychelles. The country that suffered the most severe damage was Indonesia, where 45,000 people died and 15,000 people were displaced. Indonesia was not designated for TPS, but the U.S. government did implement other forms of immigration relief. At the time of the tsunami, the population of Indonesia was approximately 238 million. In 2008, the country of Burma suffered a large cyclone where 22,000 people were killed and 41,000 were declared missing. Burma was not designated for TPS, but again the US government did implement other forms of immigration relief.

Analysis of Extra-Statutory Considerations

Particularly in the wake of the most recent storms over the last few weeks and the immediate deterioration in conditions in Haiti that have resulted, Congress is applying increased pressure to designate Haiti for TPS, arguing that conditions now clearly merit the designation. If you decide not to designate Haiti for TPS, in light of your recent decision to extend TPS for El Salvador, Honduras, and Nicaragua, where many will look not to the conditions that supported TPS designation, but to current conditions, and will argue that conditions are now less severe than they are in Haiti, your decision may invite the criticism that the Administration's TPS policy is inconsistently applied.

state in safety, unless [the Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States." This section could apply in cases where a natural disaster creates such extraordinary and temporary conditions.

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On the other hand, experience has shown that once a country is designated for TPS, ongoing public and congressional pressure to extend the designation – no matter what the improvement in conditions over time – can be expected. Also of note in Haiti's case, a designation of TPS may trigger a mass migration to the United States. As illustrated by the 1980 Mariel boatlift and subsequent spikes in Haitian migration to the United States, a mass migration would result in great loss of life as large numbers of Haitians took to the high seas in makeshift vessels that were not seaworthy.

Furthermore, TPS is not the only mechanism for immigration relief DHS can provide in these instances. In the wake of the most recent storms, DHS has or will exercise a range of flexible measures designed to provide responsive, temporary relief to non-immigrant Haitians:

- U.S. Immigration and Customs Enforcement has postponed a removal.
- USCIS will be exercising discretion to consider favorably applications for an extension of stay or a change of status;
- USCIS will be authorizing foreign students to obtain off-campus employment if the student can demonstrate that the unexpected events in Haiti have affected their ability to continue to pay for their education in the United States without employment.
- USCIS will provide expedited processing of applications for services or benefits;
- USCIS will provide guidance to its field offices and service centers to maintain a flexible timeline for Haitians when responding to Requests for Evidence or for filing deadlines.

In addition to the above stated flexibilities, USCIS has already instructed field staff to prioritize I-130, I-730, and I-140 petitions for Haitian beneficiaries physically residing in Haiti where there is a visa number immediately available. This instruction has not been made public and will remain internal only.

Recommendation

I recommend that you do not designate Haiti for TPS at this time, indicating your decision by checking the second block in the Decision Document immediately following this memorandum.

Attachments

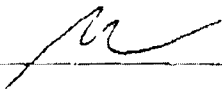
- A. TPS Haiti Memo (Source: USCIS)
- B. DOS Recommendation (Source: DOS)
- C. USCIS Report – TPS Considerations (Source: USCIS)
- D. TPS Legal Authority (Source: USCIS)
- E. Letter President Preval (Source: DOS)
- F. USCIS Program Flexibilities (Source: USCIS)

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Decision Document

Designation of Temporary Protected Status for Haiti



I have determined that conditions in Haiti merit designation of Haiti for TPS at this time; accordingly, I hereby designate Haiti for TPS for ____ months (not less than 6, not more than 18).

11/21/08

I have determined that conditions in Haiti ~~do not merit~~ designation of Haiti for TPS at this time; accordingly, I hereby do not designate Haiti for TPS.

Needs discussion.

Date

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U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

September 1, 2009

NRC2009004600

Cheryl Little
Florida Immigrant Advocacy Center, Inc.
3000 Biscayne Blvd., Suite 400
Miami, FL 33137

Dear Cheryl Little:

This is in response to your Freedom of Information Act/Privacy Act (FOIA/PA) request received in this office January 29, 2009 regarding USCIS recommendation to DHS Secretary Michael Chertoff regarding TPS designation for Haiti in 2008.

We have completed our review of records that are responsive to your request. The record consists of 12 pages of material. Portions of two pages have been referred to Department of State for review and direct response to you. The remaining material we have determined to release in full. The enclosed record consists of the best reproducible copies available.

If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Cejka".

T. Diane Cejka
Director

Enclosure(s)

Plaintiff's Exhibit

10

Director
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Washington, DC 20529



U.S. Citizenship
and Immigration
Services

JUL 22 2008

Memorandum

TO: Michael Chertoff
Secretary

FROM: Jonathan Scharfen *JS*
Acting Director

SUBJECT: Designation of Temporary Protected Status for Haiti

SUMMARY

On February 7, 2008, President Prival of Haiti sent a letter to President Bush requesting TPS for Haitian nationals in the United States. See Attachment A. His letter cited the conditions created by the May 2004 flooding, Tropical Storm Jeanne in September 2004, and Tropical Storm Noel in October-November 2007 as reasons supporting his request for Temporary Protected Status (TPS).

Following consultation within the Department of Homeland Security (DHS), as well as with the Department of State (DOS), U.S. Citizenship and Immigration Services (USCIS) recommends that the Secretary not designate Haiti for TPS for the following reasons presented in this document.

ANALYSIS OF COUNTRY CONDITIONS

In response to the letter from the Government of Haiti, USCIS consulted with DOS regarding the country conditions in Haiti and requested a recommendation on designating Haiti for TPS.

I. DOS Country Conditions Report and Recommendation. See Attachment C.

DOS provided a country conditions report and a recommendation. The country conditions report discusses the damage caused by the natural disasters noted in President Prival's request letter and describes the significant success of Haiti's recovery efforts.

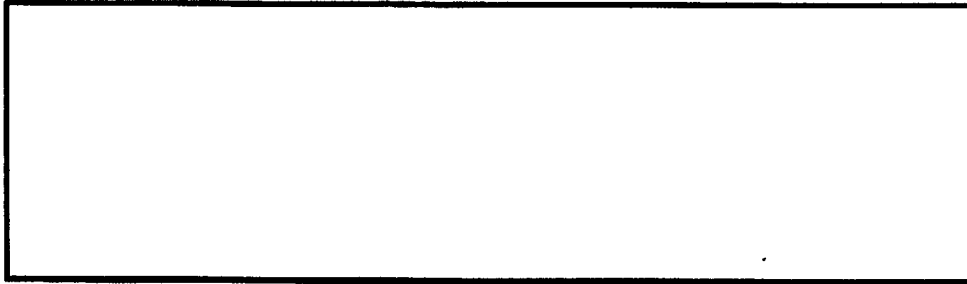
Referred to: State Department

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Designation of Temporary Protective Status for Haiti

Page 2 of 4

Referred to: State Department



II. USCIS Asylum Division's Country Conditions Report

The USCIS Asylum Division also drafted a country conditions report evaluating the damage from Tropical Storm Jeanne (2004) and Tropical Storm Noel (2007) and recovery efforts. See Attachment D. The most relevant findings of this report are included below:

- A series of storms struck Haiti over the past several years. Though none were hurricanes, they nevertheless inflicted death and damage comparable to some of the most powerful hurricanes elsewhere. The damage was not from wind, but from rain.
- In late May 2004, several days of heavy rain caused extensive flooding along the southern portion of Haiti's border with the Dominican Republic. As of mid-June 2004, the confirmed death toll in Haiti stood at 1,059, with an additional 1,600 still missing — most of whom were never expected to be found alive. Nearly 1,700 homes were reported destroyed, and another 1,687 damaged. The death toll was eventually raised to nearly 3,000. Though the area affected was fairly small, the toll was high because the town of Mapou was initially buried to a depth of 25 feet under a mud lake. Even when the waters receded, some ten feet of muddy water still covered the town. The severity of the flood was attributed to severe deforestation.
- On 18 September 2004, floods resulting from Tropical Storm Jeanne engulfed the entire urban area of Gonaïves, Haiti's third-largest city, affecting 80 percent of its 105,000 inhabitants. Also affected were surrounding areas in the Departments of the Artibonite and the Northwest. The overall death toll was initially reported as 1,330, with another 1,056 missing, and almost 300,000 affected. The death toll eventually rose to over 3,000. Again, the severity of the disaster was attributed to hillsides denuded of trees by impoverished Haitians looking for cooking fuel. An additional factor was the accumulation of tons of debris and garbage in the canals over the previous 20 years.
- Tropical Storm Noel battered Haiti from south to north for a full week, from 28 October to 3 November 2007, causing floods and landslides. About 40 percent of Haiti's territory was affected, 73 persons lost their lives, 133 were wounded, and 17 went missing. More than 20,000 homes were damaged or destroyed, and some 21,726 families affected. Crops and livestock were lost, roads were cut off, and drinking water was contaminated.

Designation of Temporary Protective Status for Haiti
Page 3 of 4

III. U.S. Agency for International Development Information on Haiti

Information from the U.S. Agency for International Development (USAID) also indicates that the U.S. has provided significant foreign aid to Haiti in the past five years. Since FY 2004, the U.S. Government has allocated nearly \$400 million in assistance to Haiti, including \$64 million for disaster relief following Tropical Storm Jeanne and Hurricane Charley and \$200,000 to the International Committee of the Red Cross in support of its humanitarian programs in Haiti. The assistance has provided jobs, vocational training, food assistance, and medical care, as well as technical advice and budget support to the Government of Haiti. The U.S. Government has also supported democracy-building projects and law enforcement training.

In FY 2008, the U.S. Government planned to invest \$45.6 million in the Peace and Security Objective, a program designed to address Haiti's persistent security and instability. USAID managed several programs in the country, including over 500 small-scale projects valued at \$14.5 million. More than 114,000 of the most vulnerable citizens in these communities benefited from short-term employment.

IV. Additional Information Supporting USCIS's Recommended Response to Haiti's Request

Statistics published by the DHS Office of Immigration Statistics for FY 2004, FY 2005 and FY 2006, show that an average of 860 Haitian nationals were removed from the United States in each year. Although there was an increase from 367 Haitian nationals removed in FY 2004, to 999 Haitians removed in FY 2005, USCIS is not aware of any reason that the number of Haitians removed each year to their home country is likely to increase substantially to the point that Haiti would not be able to accommodate their return due to any lingering negative effects from the 2004 and 2007 storms.

Further, many Haitians have benefited from other forms of U.S. immigration benefits. The table below provides statistics on immigration benefits received by Haitian nationals for FY 2006 and an average of benefits between FY 2000-2006. (Source: 2006 Yearbook of Immigration Statistics.)

Immigration Benefit	FY 2006	Average 2000-2006
Adjustment of Status to Legal Permanent Residency	22,228	15,432
Naturalization	15,979	9,866
Non-Immigrant Admissions	72,516	82,859
Asylum		
Affirmative	2,431	1,366
Defensive	570	467
Total	3,001	1,833

FINDINGS

While Haiti was affected by the May 2004 flooding, Tropical Storm Jeanne in September 2004, and Tropical Storm Noel in October-November 2007, Haiti has received a significant amount of foreign assistance and disaster relief from the U.S. Government and other international organizations. The significant assistance that the U.S. Government has provided to Haiti is evidence of its commitment

Designation of Temporary Protective Status for Haiti
Page 4 of 4

to continuing to work closely with the Government of Haiti, the United Nations, the Organization of American States, and the international community to address the humanitarian and security concerns facing Haiti.

Under the provisions of the TPS statute, following consultation with appropriate U.S. Government agencies, the Secretary has the sole discretion to decide whether to designate a foreign state for TPS. In the exercise of his discretion, the Secretary may weigh both negative and positive factors when evaluating a country for a TPS designation. Therefore, while Haiti is still recovering from the devastating effects of the May 2004 flooding, Tropical Storm Jeanne in September 2004, and Tropical Storm Noel in October-November 2007, USCIS recommends that the Secretary also consider other positive factors demonstrating the considerable progress that Haiti has made in its recovery as described in greater detail in the accompanying country condition reports. In addition, the USCIS recommends that the Secretary give weight to the assistance that the U.S. has already provided to Haiti in its recovery efforts from these disasters and other assistance for the overall development of Haiti. ~~USCIS also recommends that the Secretary consider the positive impact of TPS on the Haitian population, which has been significant in the past, and the fact that the U.S. has a long history of providing humanitarian assistance to Haiti.~~

Should the Secretary decide not to grant TPS for Haitian nationals, USCIS recommends that DHS consult with DOS regarding the diplomatic approach that DHS should take in conveying a non-designation decision to the president of a foreign country.

RECOMMENDATION:

USCIS and DOS reviewed the country conditions in Haiti, in particular the effects of the May 2004 flooding, Tropical Storm Jeanne in September 2004, and Tropical Storm Noel in October-November 2007. After consultation and deliberation of the country conditions in Haiti and other U.S. interests, USCIS recommends that the Secretary continue to monitor the conditions in Haiti but decline to designate Haiti for TPS at this time.

Approve/date _____ Disapprove/date _____

Modify/date _____ Needs discussion/date _____

Attachment A: DOS Cable: President Preval's Letter to President Bush Requesting to Grant TPS

Status to Haitians Living in the United States

Attachment B: TPS Legal Authority - Initial Designations

Attachment C: Department of State Recommendation on TPS for Haiti

Attachment D: USCIS Report - TPS CONSIDERATIONS: Haiti 25 March 2008

cc: Stewart A. Baker, Assistant Secretary for Policy

Attachment D: TPS Legal Authority – Initial Designations

Pursuant to section 244(b)(1)(B) of the Immigration and Nationality Act (INA), in order to designate a State or part of a State for TPS due to environmental disasters the Secretary must find that:

- (i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,
- (ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and
- (iii) the foreign state officially has requested designation.¹

Prior to designating a country for TPS, the Secretary must consult with other “appropriate agencies of the Government.” See INA, section 244(b)(1). DHS consults with DOS, and DOS prepares its country condition report and views for DHS regarding whether the country’s circumstances merit a TPS designation.

After the Secretary designates a country for TPS, nationals of the country (and persons without nationality who last habitually resided in the country) may apply for TPS, but they must individually demonstrate their eligibility pursuant to the criteria established in INA, section 244(c) and the TPS regulations at 8 C.F.R. section 244.1 *et seq.* These criteria include, but are not limited to, requirements that the applicant show continuous physical presence in the United States since the effective date of the country designation and continuous residence since such date as the Secretary determines; admissibility as an immigrant (with limited exceptions); certain mandatory criminal, terrorism and national security bars as specified in INA sections 244(c)(2)(A-B) do not apply; and annual registration for TPS (or late registering) in accordance with regulatory procedures in 8 C.F.R. sections 244.2-244.9.

If granted TPS, the individual may receive employment authorization, if requested, that is valid for the period that he or she holds TPS. TPS is a temporary benefit that does not lead to lawful permanent residence or confer any other immigration status. When a TPS country designation ends, TPS beneficiaries maintain the same immigration status they held prior to TPS (unless that status has expired or been terminated), if any, or any other status they may have acquired while registered for TPS.

¹ The Secretary may also designate a country for TPS under INA, section 244(b)(1)(C) if “there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless [the Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.” This section could apply in cases where a natural disaster creates such extraordinary and temporary conditions.

Attachment C



U.S. Department of Homeland Security
20 Massachusetts Avenue, NW
Washington, DC 20529

**U.S. Citizenship
and Immigration
Services**

TPS CONSIDERATIONS: HAITI
1 October 2008

NATURAL DISASTERS

1. BACKGROUND AND OVERVIEW OF DAMAGE

From mid-August through the first week in September 2008, Haiti was struck by four tropical storms and hurricanes – Tropical Storm Fay, Hurricane Gustav, Tropical Storm Hanna, and Hurricane Ike. The storms affected all of Haiti's nine administrative departments. As of 22 September 2008, the total affected population was 850,000 (out of an overall population of 8.5 million), including more than 300,000 children. Specifically, there were 423 people reported dead, 50 missing, 151,072 internally displaced and without shelter, 111,391 internally displaced in shelters, 10,842 houses destroyed and 35,125 houses damaged. Roads and bridges were destroyed throughout the country. On 19 September 2008, U.S. Ambassador to Haiti Janet Sanderson said, "The scope of this is frankly unimaginable in many countries. A lot of the progress of the last couple of years has been swept away by these waters." The central department of Artibonite, whose capital, Gonaïves, Haiti's third-largest city, was the most seriously affected – "practically, completely destroyed," according to Hedi Annabi, UN special envoy to Haiti. An estimated 60 percent of Haiti's food harvest was destroyed, and ActionAid country director Raphael Yves Piers said that an estimated two to three million people could face starvation (NYT 11 Sep 2008, WFP 25 Sep 2008, USAID 26 Sep 2008, AP 26 Sep 2008, Caribbean Media Corporation 18 Sep 2008, AP 19 Sep 2008, Reuters 18 Sep 2008, Reuters AlertNet 11 Sep 2008).

The current situation is exacerbated by the series of storms that struck Haiti during 2004-2007. Though none were hurricanes, they resulted in deaths and damage comparable to some of the most powerful hurricanes elsewhere during that time period. The damage resulted from rain, not wind, as is more common with tropical storms. Like the neighboring Dominican Republic, Haiti is mountainous. The steep terrain makes it susceptible to flash flooding wherever the upland forest cover has been removed. Whereas more than 28 percent of the Dominican Republic, including most of the upper slopes, remains forested, less than four percent of Haiti retains its forest cover (UNDP 2007/2008, p. 303, 304). With its mountains stripped of moisture-retaining soil and vegetation, Haiti is now "vulnerable to deadly flooding" (AP 16 Feb 2008).

Recovery from the 2004-2007 storms was hindered by the lowest human development levels and infrastructure in the hemisphere (UNDP 2007/2008, p. 229, 230). According to Dr. Paul Farmer, a Harvard University physician whose agency Partners in Health runs a clinic in rural Haiti,

www.uscis.gov

Attachment C
 TPS Considerations: [Haiti]
 Page 2

"There's no utility infrastructure in rural Haiti, few land line phones, hardly any passable roads" (NYT 5 Jul 2005). According to the *Miami Herald*, "One of the biggest obstacles [is] the scant infrastructure, which is so poor that some of the best roads and bridges date back to the first American occupation of Haiti between 1915 and 1934. The potholes and washouts on highways between major cities make a 50-mile-drive an all-day journey" (*Miami Herald* 31 Mar 2004).

Tropical Storm Noel battered Haiti from south to north for a week, from 28 October to 3 November 2007, causing floods and landslides. About 40 percent of Haiti's territory was affected, 73 persons lost their lives, 133 were wounded, and 17 went missing. More than 20,000 homes were damaged or destroyed, and some 21,726 families affected. Crops and livestock were lost, roads were cut off, and drinking water was contaminated (IFRCRCS 14 Dec 2007, ACT 18 Dec 2007).

2. POPULATION HARMED

- Tropical Storm Noel, 28 October to 3 November 2007
 - 73 died, and another 17 were missing (IFRCRCS 14 Dec 2007).
 - 133 were wounded (IFRCRCS 14 Dec 2007).
 - 21,726 families were affected (IFRCRCS 14 Dec 2007).
- Tropical Storm Fay, Hurricane Gustav, Tropical Storm Hanna and Hurricane Ike, from mid August through the first week in September 2008
 - 850,000 people affected, including 300,000 children, of a total population of 8.5 million (USAID 22 Sep 2008, AP 26 2008).
 - 423 people reported dead, 50 missing, 151,072 internally displaced and without shelter, 111,391 internally displaced in shelters (USAID 22 Sep 2008, AP 26 2008).
 - Worst affected was Artibonite department, whose capital, Gonaïves (pop. 350,000), was "practically, completely destroyed," according to Hedi Annabi, UN special envoy to Haiti (Reuters 18 Sep 2008, BBC 19 Sep 2008, WHO 18 Sep 2008).

3. DAMAGE TO INFRASTRUCTURE

- Tropical Storm Noel, 28 October to 3 November 2007
 - 40 percent of country was affected directly. The provinces of Ouest (West), Artibonite, Sud (South), Sud Est (Southeast), Grande Anse and Nippes bore the brunt of the storm. Many of these provinces had already experienced flooding from heavy rains earlier in October 2007 (IFRCRCS 14 Dec 2007).
 - 3,852 homes were destroyed, and another 17,865 were damaged (IFRCRCS 14 Dec 2007).
 - In the provinces most affected, some roads were cut off (ACT 18 Dec 2007), bridges were badly damaged (*Global Insight* 12 Dec 2007), and drinking water

2

Attachment C
 TPS Considerations: [Haiti]
 Page 3

was contaminated (IFRCRCS 14 Dec 2007). By mid December, the flood waters had receded and communities were beginning to resume their daily activities (IFRCRCS 14 Dec 2007).

- Tropical Storm Fay, Hurricane Gustav, Tropical Storm Hanna and Hurricane Ike, from mid-August through the first week in September 2008
 - Roads and bridges destroyed throughout the country, seven of the country's principal bridges impassable (AP 26 Sep 2008, WFP 25 Sep 2008, Caribbean Media Corporation 18 Sep 2008).
 - 10,842 houses destroyed and 35,125 houses damaged (USAID 22 Sep 2008).
 - The storms collapsed bridges and cut all roads leading into the city of Gonaïves (Reuters 12 Sep 2008, Reuters 15 Sep 2008).
 - Haitian Prime Minister Michele Pierre-Louis said that part of the devastated city of Gonaïves, which lies on a coastal flood plain, might have to be rebuilt elsewhere (BBC 13 Sep 2008).

4. DISRUPTION IN SERVICES

- Tropical Storm Noel, 28 October to 3 November 2007
 - In the provinces most affected by the storm, subsistence and revenue crops suffered massive damage, and cattle and other livestock were lost (IFRCRCS 14 Dec 2007; ACT 18 Dec 2007, 2 Nov 2007).
- Tropical Storm Fay, Hurricane Gustav, Tropical Storm Hanna and Hurricane Ike, from mid-August through the first week in September 2008
 - An estimated 60 percent of Haiti's food harvest was destroyed and ActionAid country director Raphael Yves Pierre said that an estimated two to three million people could face starvation (AP 26 2008, Reuters AlertNet 11 Sep 2008).
 - With regard to food insecurity, Christian Aid said "2.3 million people are in moderate to acute risk" and that there was possibly "lasting damage to Haiti's 'rice bowl'" in the Artibonite Valley (CWS 12 Sep 2008).
 - UN World Food Programme estimated 70 percent of country's agriculture destroyed; 80 percent of the Haitian population works in agriculture (Reuters AlertNet 23 Sep 2008; IPS 23 Sep 2008).
 - Hundreds of irrigation basins, canals, and pumping stations were damaged and about 10,000 tons of discounted fertilizer distributed to farmers was lost (AP 19 Sep 2008).
 - Initial assessments indicated more than \$200 million in damage to the agricultural sector, according to Hédi Annabi, UN special envoy to Haiti (BBC 19 Sep 2008).
 - Annabi said Haiti may have lost three to four percentage points of gross domestic product as a result of the four storms (Reuters 18 Sep 2008).
 - As of 19 September, the opening of school continued to be delayed as schools remained filled with refugees from the storms (AP 19 Sep 2008, BBC 19 Sep 2008).

Attachment C

TPS Considerations: [Haiti]

Page 4

- o Damage to medical and health facilities was widespread, with the worst damage in Artibonite department where the entire health system was "substantially damaged," according to the World Health Organization (WHO) (WHO 18 Sep 2008).
- o The WHO also reported that throughout the country, "[a]ll sanitation and latrines are virtually non-existent" (WHO 18 Sep 2008).
- o The WHO reported that the only referral hospital in Gonaïves "was severely damaged and cannot function as a hospital in the future" (WHO 18 Sep 2008).
- o Cases of malaria and dengue, which are endemic in Haiti, were expected to increase as a result of the storms (WHO 18 Sep 2008).

5. STATUS OF DISASTER RESPONSE AND RECONSTRUCTION

- Tropical Storm Noel, 28 October to 3 November 2007
 - o According to Action by Churches Together International, the government provided shelter in schools and made some small grants of cash, but "important needs remain to be met, especially since the affected population lost their already limited capital (tools, crops and seeds)" (ACT 18 Dec 2007).
- Tropical Storm Fay, Hurricane Gustav, Tropical Storm Hanna and Hurricane Ike, from mid August through the first week in September 2008
 - o The UN said on 26 September it had received 3.4 percent of its \$108 million appeal for relief after the four storms; an additional \$17 million had been given in bilateral aid; USAID thus far had pledged \$29 million in humanitarian assistance (AP 26 2008).

REFERENCES

Action by Churches Together International (ACT). "ACT Appeal Haiti: Tropical Storm Noel — LAHT72" (18 Dec 2007), <http://reliefweb.int/rw/rwb.nsf/db900sid/EMAE-79ZLTA?OpenDocument&query=Tropical%20Storm%20Noel%20Haiti> [Accessed 27 Feb 2008]

Action by Churches Together International (ACT). "ACT Alert: Dominican Republic / Haiti - 1/2007, Tropical Storm Noel" (2 Nov 2007), http://act-intl.org/alerts/Alerts_2007/AlNoelDR_Haiti-1-07.html [Accessed 20 Mar 2008]

Associated Press (AP). Katz, Jonathan M. "Haiti nears grim future without trees as efforts to halt deforestation falter" (16 Feb 2008), Nexis.

Associated Press (AP). Katz, Jonathan M. "Haiti's food crisis deepens after floods" (19 Sep 2008), Nexis.

Attachment C
TPS Considerations: [Haiti]
Page 5

Associated Press (AP). Cubillos, Ariana. "Haitian city encased in mud needs global help" (26 Sep 2008), Nexis.

British Broadcasting Corporation (BBC). "'One million homeless' in Haiti" (13 Sep 2008), <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/7613851.stm> [Accessed 27 Sep 2008]

British Broadcasting Corporation (BBC). "Haiti 'overwhelmed after storms'" (19 Sep 2008), <http://news.bbc.co.uk/go/pr/fr/-/2/hi/americas/7624850.stm> [Accessed 27 Sep 2008]

Caribbean Media Corporation. "UN Emergency Operations in Haiti Expanded to Deal With Crisis," BBC Monitoring International Reports (18 Sep 2008), Nexis.

Church World Service (CWS). "Serial devastation: CWS sends rapid response funds, material aid to storm-torn Haiti" (12 Sep 2008), <http://lite.alertnet.org/thenews/fromthefield/284081/122176480850.htm> [Accessed 27 Sep 2008]

Global Insight. Barbel, Marion. "Unusually Late Storm Gathers Strength in a Wary Dominican Republic" (12 Dec 2007), Nexis.

Inter Press Service (IPS). Gentile, Carmen. "Haiti: Leaders ponder alternatives to charcoal as land erodes" (18 Jul 2007), Nexis.

Inter Press Service (IPS). Deibert, Michael. "Haiti Is Going From Catastrophe to Catastrophe" (23 Sep 2008), <http://www.ipsnews.net/news.asp?idnews=43969> [Accessed 27 Sep 2008]

International Federation of Red Cross and Red Crescent Societies (IFRCRC). "Caribbean: Tropical Storm Noel (MDR49002) Operations Update No. 1" (14 Dec 2007), <http://reliefweb.int/rw/rwb.nsf/db900aid/RMOI-79WL6M?OpenDocument&query=Tropical%20Storm%20Noel%20Haiti> [Accessed 27 Feb 2008]

Miami Herald. Mazingo, Joe. "Haiti paying dearly for revolt" (31 Mar 2004), Nexis.

New York Times (NYT). Dreifus, Claudia. "Healing the World by Curing the Poor" (5 Jul 2005), p. F5.

New York Times (NYT). Lacey, Marc. "Meager Living of Haitians is Wiped Out by Storms" (11 Sep 2008), Nexis.

Reuters. Delva, Joseph Goyler. "Haiti, U.N. overwhelmed by disaster: envoy" (18 Sep 2008), <http://www.washingtonpost.com/wp-dyn/content/article/2008/09/18/AR2008091803204.html> [Accessed 27 Sep 2008]

Attachment C

TPS Considerations: [Haiti]

Page 6

Reuters. Bigg, Matthew and Delva, Joseph Guyler. "Haiti city hit by storms needs clean water, food" 12 Sep 2008), http://www.caribbeanetnews.com/haiti/haiti.php?news_id=10628&start=0&category_id=2 [Accessed 27 Sep 2008]

Reuters. Bigg, Matthew. "Deadly storms a big setback for impoverished Haiti" (15 Sep 2008), http://www.caribbeanetnews.com/haiti/haiti.php?news_id=10690&start=0&category_id=2 [Accessed 27 Sep 2008]

Reuters AlertNet. Batha, Emma. "Aid workers warn Haiti floods could trigger unrest" (11 Sep 2008), http://www.alertnet.org/db/an_art/19216/2008/08/11-165508-1.htm [Accessed 27 Sep 2008]

Reuters AlertNet. Batha, Emma. "Donors ignore UN Haiti storm appeal" (23 Sep 2008), http://www.alertnet.org/db/an_art/19216/2008/08/23-190244-1.htm [Accessed 27 Sep 2008]

United Nations Development Program (UNDP). *Human Development Report 2007/2008*, http://hdr.undp.org/en/media/hdr_20072008_en_indicator_tables.pdf [Accessed 23 Mar 2008]

US Agency for International Development (USAID). "Haiti -- Storms: Fact Sheet #10" (22 Sep 2008), <http://www.reliefweb.int/rw/rwb.nsf/db900sid/KKAA-7JR7TC?OpenDocument> [Accessed 27 Sep 2008]

World Food Programme (WFP). "Haiti Fact Sheet" (25 Sep 2008), <http://documents.wfp.org/stellent/groups/public/documents/newsroom/wfp188991.pdf> [Accessed 26 Sep 2008]

World Health Organization (WHO). "Consolidated Update on the Health Impact of the 2008 Hurricane Season in the Caribbean" (18 Sep 2008), http://www.who.int/hac/crises/update_18sept2008/en/index.html [Accessed 30 Sep 2008]



Office of Communications

U.S. Citizenship
and Immigration
Services

USCIS Update

Sept. 24, 2008

USCIS REMINDS CUSTOMERS OF PROGRAM FLEXIBILITIES

WASHINGTON— We realize that unexpected events in a person's home country can sometimes affect travel or other plans. Given recent severe weather in the Caribbean, USCIS would like to remind customers of available services.

For Non-Immigrants:

- **Extension and/or Change of Status:** Non-immigrant tourists and business visitors (B-1/B-2 visa holders) may request an extension of stay (Form I-529 – Application to Extend/Change Nonimmigrant Status) when unexpected events in their home country delay their travel. Customers who request an extension will need to explain how the event has disrupted their ability to travel home, how much longer they anticipate staying in the U.S., and also show they will be able to support themselves in their non-immigrant status for the additional time. In addition, USCIS will consider requests for a change status to that of a person here temporarily on business (B1) or pleasure (B2) where the individual is no longer able to extend their pre-existing non-immigrant status on another category. **Please note:** Customers who have been paroled into the U.S. and whose travel plans are delayed due to unexpected events in their home country may visit the local USCIS office and request an extension of parole.
- **Foreign Student Employment Authorization:** If unexpected events affect the ability of an F1 or M1 nonimmigrant student to continue to pay for their education, the student may request off-campus employment (Form I-765 – Application for Employment Authorization). In order to qualify, the student must demonstrate how the unexpected event has affected their ability to continue to pay for their education without employment.
- **Expedited Processing:** Non-immigrant visitors affected by unexpected events in their home country may request expedited processing of the above applications or for an application or petition filed for a service or benefit that is otherwise immediately available.

Please note, these flexibilities are available to non-immigrants who are in-status and complying with the immigration laws.

For Others:

- Individuals who are abroad and have lost their USCIS issued travel documents or whose documents have expired due to an unexpected event that delayed their original travel plans, may contact a U.S. Embassy or Consulate.

For more information, please call our National Customer Service Center at (800) 375-5283.

– USCIS –

www.uscis.gov

JS 44 (Rev. 10/01)

09-22689

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

NOTICE: Attorneys MUST Indicate All Re-filed Cases Below

I. (a) PLAINTIFFS

FLORIDA IMMIGRANT ADVOCACY CENTER ("FIAC") and
SUSAN BARCIELA(b) County of Residence of First Listed Plaintiff Miami-Dade
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Tania Galloni (Fla. Bar. No. 619221)
Florida Immigrant Advocacy Center
3000 Biscayne Blvd., Suite 400, Miami, FL 33137
Tel: (305) 573-1106, Ext. 1080; Fax: (305) 576-6273 /TORRES

DEFENDANTS

U.S. DEPARTMENT OF STATE

County of Residence of First Listed Defendant STEVEN M. WARREN D.C.
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

U.S. Attorney's Office
99 NE 4th Street, Suite 300, Miami, FL 33132(d) Check County Where Action Arose: ☒ MIAMI-DADE ☐ MONROE ☐ BROWARD ☐ PALM BEACH ☐ MARTIN ☐ ST. LUCIE ☐ INDIAN RIVER ☐ OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|--------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Action <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice Act <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus: <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Re-filed- (see VI below) ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to Dis Judge from Magistrate Judgment

VI. RELATED/RE-FILED CASE(S).

(See instructions second page):

a) Re-filed Case ☐ YES ☒ NOb) Related Cases ☐ YES ☒ NO

JUDGE

DOCKET NUMBER

VII. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):

US Civil Statute: 5 U.S.C. § 552

Brief Description: failure to disclose and release records pursuant to FOIA request

LENGTH OF TRIAL via _____ days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☒ No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE

SIGNATURE OF ATTORNEY OF RECORD

DATE

T. Galloni

09/09/09

9/10/09

FOR OFFICE USE ONLY

\$350.00

1008091

09/10/09